Bombay Gazette.

Volume 34. Wednesday, October 15, 1823. No. 1741.

To be Sold

BY PUBLIC AUCTION,

On the 8th of November next,

AT 4 O'CLOCK IN THE AFTERNOON

By the Administratrix of the late

Mr. Rozario De Quadros

ON THE

PREMISES.

A SUBSTANTIAL and well built Spacious HOUSE with GARDEN, well Stocked with VALUABLE FRUIT TREES at Mazagong behind the grove formerly the late Sir *Miguel de Lima's House*; the House is in occupation still by the family of the said late MR. QUADROS.

The property may be seen and examined at any time on application to SIR ROGER DE FARIA, where further particulars may be known, and the conditions of the Sale.

(c.) Bombay 3d Oct. 1823.

જાહેર·લીલાંઉ·ફરીને·વેચશે*

મરનાર·શેર·રાજર·દે·ક્રુઆદ

રોસાની·વકીલાટ·નારીખ ૮ મી

આવતી·નવેમબરને·દીને·બપોર

નાં·કલાક· ૪ નાં·ઘેરેર·કિ·પાકી

તયા·શારી· બાંસણીનુછે·તે·મયે

બાગ·તથા·ક્રુવો·તથા· ફલ·તથા·

ફલાર·નાં·જાડો છે·તો·શાકે·વેચશે

કિ·નીલકત·શ્રી· મજગાંમમાં·શાર·

મીગેલ·દેલીમાઇ·શોજા·નાં·જુના·

ઘેરેરની·પછવાડે·દરાખનાં·માંડ

ડવાની·પકશે છે·કિ·ઘેરેરમાં· ફજ·

શ્રેષ્ઠી·મરનાર·મીશાતર· ક્રુઆદ્રો

શાનુ· ફટંમ·રેફેછે *

કિ·મીલકત·શર·રાજર·દે · ફ્રેરી

આને·પુછેઆથી·ફરકિ·વખતે·નો

વા·તથા·તપાશવા·શાકું · રજા·મ

લશે·અને·કિની·શરવે· વીગતવાર

તથા·વેચાણની· બોલી· એજ· ય

ણીને·પુછેઆથી·આલમ·પડશે *

તા૦ 3 જી·અકટોબર ૧૮૨૩

Kempt and Co.

WILL SELL

BY PUBLIC AUCTION,

THIS DAY

Wednesday the 15th Instant,

AN EXTENSIVE INVOICE

OF

JEWELLERY

RECENTLY IMPORTED

ON THE

Ship Asia

Captain Pope,

The principal Articles are as follows:

AN Elegant Garnet and Pearl Suite in a Morocco case.

Ditto, Topaz Pearl and Torquoise do. in do.

Ditto, Waist Clasp, Aqua Marine, Pearl, Topaz, Torquoise and Diamond.

A Filagree (Elastic) Gold Necklace and Bracelets with Pearl Snaps.

A ditto do. do. with Cross and Earings set with Torquoise.

And a great variety of Earrings, Filagree plain gold, set with Torquoise Emerald and Rubies, Broaches, plain and with Pearl, Filagree gold Pins &c. &c.

Catalogues may be had on application.

Orders from outstations with a remittance will be promptly attended to.

It is now open for inspection as lotted for sale.

Bombay, 15th October 1823.

For Sale

AT

Rs. 40 PER DOZEN,

at the

Godowns

OF

Messrs. Remington, Crawford, and Co.

A FEW HALF CHETS OF

MESSRS. TOD AND BOSANQUETS

VERY SUPERIOR

CLARET,

Imported direct from the Maker,

PER

Lord Castlereah,

ALSO

A FEW HALF CHESTS OF

MESSRS. WILSON AND CUTLER'S

Claret,

AT THE SAME PRICE.

Bombay, 8th October 1823.

Burjorjee Framjee and Limjee Dadabhoy.

WILL SELL

BY PUBLIC AUCTION,

On Tuesday next, the 21st Instant,

AT 11 O'CLOCK

A BEAUTIFUL Percussion Gun by Parker; some pairs of Plated Curry Dishes and Candlesticks with Shades, an Assortment of imitation Shawls and a consignment of Books including several recent publications.

Henshaw's Buildings, 15th Oct. 1823

For Sale

6 Pipes of excellent old Cogniac Brandy imported per H. C. Ship Herefordshire.

Price 3 Rs. per Gallon, in Pipes,—terms Cash.

For particulars apply to FRAMJEE COWASJEE'S Office.

(2) Bombay, 15th October 1823.

Vicente dos Santos

HAIR CUTTER

AND

RAZOR SHARPER,

BEGS to inform the Public that he has opened his Hair cutting Room opposite to EDULJEE'S Auction Room.

Bombay, 15th October 1823.

For London Direct

THE FINE SHIP

Layton,

CAPTAIN

DAVID MILLER,

BURTHEN 498 TONS.

WILL sail on or about the 25th Instant, her entire Cargo being engaged. For the terms of passage apply to PRINSEP and Co. or to the Commander on board.

Bombay, 15th October 1823.

FOR THE

Mauritius

TO SAIL

On Sunday next 19th October,

THE SHIP

CONSTANCE.

FOR Freight or Passage apply to Captain REGNAUD on Board.

Bombay, 15th October 1823.

For London Direct

THE SHIP

England.

CAPTAIN JOHN REAY,

Daily expected from

COLUMBO,

FROM which Port she was to sail for Bombay on the 20th Ultimo according to advice received.

For Freight or Passage apply to PRINCEP and CO.

N. B.—She will probably be dispacth ed in all November, her Cargo being mostly engaged.

Bombay, 15th October 1823.

FOR SALE

AT THE

Gazette Office,

BLANK Bills of Exchange, Powers of Attorney, Interest and Respondentia Bonds, Policies of Insurance. Articles of Agreement between Master and Mariners, Bills of Lading, Boat Notes, &c. &c.

GENERAL ORDERS.

BOMBAY CASTLE, 3d October 1823.

By the Hon'ble the Governor in Council.

LIEUTENANT A Riddell. 1st Battalion or Grenadier Regiment, is allowed a furlough to Europe for three years on his private affairs agreeably to the Regulations.

In consequence of the death of Surgeon Geraud, and in conformity to the orders of the Hon'ble the Court of Directors dated 3d April 1822, published to the Army on the 20th September of the same year, the Medical duties of the Garrison of Tannah will henceforth devolve upon an Assistant Surgeon. The Hon'ble the Governor in Council is, therefore, pleased to appoint Assistant Surgeon Hathway in charge of the Lunatic Asylum, to those duties—date of appointment 1st October 1823.

Bombay Castle, 3d October 1823.

The Hon'ble the Governor in Council is pleased to publish for general information the following Extracts of letters from the Hon'ble the Court of Directors dated 30th April (paragraphs 4th and 7th); 13th May (paragraph 6th); and 21st May (paragraphs 5th to 7th). Extract of a letter from the Hon'ble the Court of Directors in the Military Department, dated 30th April 1823.

Para. 4th—Captain John MacIntire of your Establishment has received our permission to remain in England until the departure of the first Company's Ships of next season 1823 | 24.

7th—We have permitted Donald Stewart M. D. to proceed to your Presidency for the purpose of practising as a Surgeon, and we direct that he succeed as an Assistant Surgeon upon your Establishment, his rank will be settled at a future time.

Extract of a letter from the Hon'ble the Court of Directors in the Military Department, dated 13th May 1823.

Para. 6th—We have permitted the undermentioned persons to proceed to your Presidency for the purpose of practising as Surgeons, and we direct that they succeed as Assistant Surgeon upon your Establishment, their rank will be settled at a future time, viz.

Martin Thomas Kays, M. D. and

Mr. Thomas Robson.

Extract of a letter from the Hon'ble the Court of Directors in the Military Department, dated 21st May 1823.

Para. 5—We have permitted Captain Thomas Roe of your Establishment to return to his duty

6th—Captain Stephen Whitehill of your Establishment has received our parmission to remain in this Country until July next

7th—We have permitted Richard Frith M. D. to proceed to your Presidency for the purpose of practising as a Surgeon, and we direct that he succeed as an Assistant Surgeon upon your Establishment, his rank will be settled at a future time.

Bombay Castle, 4th October 1823.

The Governor in Council confirms a District Order dated Mallingaum, 1st April last, issued by Captain Pweedy, then in command of the Province of Candeish, directing Lieut. Browne, Interprete to the 1st | 4th Regiment to officiate as Interpreter to the 1st Battalion 10th Regiment in the absence of Lieut. Hancock Interpreter to that Battalion, on duty at the Presidency.

The Hon'ble the Governor in Council is pleased to republish the following General Order by the Right Honble the Governor General in Council.

FORT WILLIAM, 8TH AUGUST 1823

The following appointment made by the Right Hon'ble the Governor General in Council is published in General Orders.

Major F. F. Staunton of the Bombay Establishment, to be an Honorary Aid de-Camp to His Lordship.

(Signed) W. CASEMENT.
Lieutenant Colonel.
Sec to Govt. Military Department.

Bombay Castle, 6th October 1823.

Lieutenant Sight, Executive Engineer to the Baroda Subsidiary Force, being employed on Survey duties in Kattywar; the Hon'ble the Governor in Council is pleased to appoint Lieut Waddington, Executive Engineer at Baroda until further orders.

By Order of the Hon'ble the Governor in Council

W. NEWNHAM,
Chief Secretary.

TERRITORIAL DEPARTMENT.

REVENUE,

CIVIL APPOINTMENT.

6TH OCTOBER, 1823.

MR. Walter Elliott of the Madras Civil Service, to be second Assistant to the Principal Collector in the Southern Marhatta Country.

To the Editor of the Bombay Gazette.

SIR,

Should you deem the following account of a Suttee that took place here the other day worthy of a place in your Paper, you will oblige a Subscriber and perhaps benefit the cause of humanity by so doing.

The victim chosen for this cruel and ungodly exhibition was the widow of a Bramin who died in the South Concan some days prior to this Ceremony. On approaching the fatal spot She was preceded by two led horses handsomely Capavisioned and attended by ten or twelve Bramins and about the same number of women, with music drums &c.

Few spectators accompanied the procession considering the Scene of action was on the immediate neighbourhood of the City—near to the old Palace.

At first sight of the woman I was surprised with the idea, in common with others that She was more or less intoxecated, but before the various ceremonies were gone through, which on such

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occasions precede the Act of burning, those doubts had given place to a perfect conviction that she was in her sober senses and fully aware of the dreadful act she was about to perform. Of this I am the more satisfied from the question having been frequently put to her by the European Gentlemen present "whether it was her wish to be burnt" to which she always returned the same answer "that she knew what she was doing and that it was her own pleasure to burn." Having offered up the more harmless sacrifice of Incense on a small fire from which the Pile that was to consume her body was afterwards to be lighted, and having parted with all her golden ornaments to those in attendence, she deliberately and without shedding a single tear, took a last leave of all she held dear on earth, ascended the Pile and there laid herself down with the ashes of her deceased husband tied round her neck. The entrance was then closed with dry straw and the whole Pile surrounded with the same light material and immediately set fire to by the Officiating Priests.

I had placed myself directly opposite the entrance to the Pile and could distinctly see the unfortunate Victim struggling to escape. This did not pass unobserved by the attending Bramins, who instantly began to knock down the Canopy, which, containing nearly as much Wood as the Pile itself, could have effectually secured their victim in the fire had it fallen on her. All this while no one excepting the officiating Bramins interfered, but when the sufferer did make her escape from the flames and on running towards the River either fell or threw herself at the feet of Mr. T. that Gentleman assisted by M. S. immediately carried or rather dragged her into the water, in which the latter Gentleman suffered by incautiously laying hold of her burning garments.

An attempt was now made by the Officiating Priests to carry back their victim to the blazing Pile, which was resisted by the Gentlemen present and one of their number was dispatched to acquaint the Magistrate of her escape and learn his pleasure regarding her. But before the messengers could return with an answer from the Civil Authority, the Bramins had persuaded the unfortunate woman once more to approach the Pile. And as she declared, on being questioned by those present, that it was her own wish to reascend the Pile, they stood aloof, fearful of giving offence to the prejudices of the Native population on the one hand or to the Civil Authorities on the other. She declined however for some time to ascend the Pile when three of the attending Priests lifted her up on their arms and threw her on the fire which at this time was burning with great fury.

From this dreadful situation the miserable wretch instantly attempted for the second time to make her escape, but the merciless Priests were at hand to prevent this if possible, by throwing large pieces of wood at their victim of putting a speedy termination to her sufferings. But it was impossible for any man of the smallest pretention to feeling to stand by, and witness such cruelty, and therefore the Gentlemen present again interfered, when the victim speedily made her escape a second time from the fire and ran directly into the river without any assistance whatever.

The unfortunate woman had no sooner entered the river than she was followed by three of the Officiating Bramins, who were told to desist from all further persuasion, as nothing farther would be permitted until the arrival of the Magistrate.

Not doubting their compliance with this so very reasonable request, they were allowed to remain with the woman in the water; but no sooner had the Europeans turned their backs, anxiously looking out for the arrival of Authority to put a stop to such cruel and diabolical proceedings than the same three men, who had thrown her on the Pile, attempted to drown the suffering wretch by forcibly throwing her down and holding her under water. From this attempt she was speedly rescued by Mr. A. and Mr. M. who supported her in the water till the arrival of the long looked for deliverance.

The Collector himself soon followed, and to the great joy of a few of the bystanders he immediately ordered the principal performers in this tragical Scene into Confinement and the Chief actor or rather sufferer to be carried to the Hospital.

I regret to add the woman died about noon the following day forsaken by all her own relations as an outcast unworthy creature.—The fall of the other performers I will not anticipate.

I am Sir,
Your most obedient
Humble Servant
F. I.

POONA,
4th October 1823.

THE GAZETTE

BOMBAY.

WEDNESDAY, 15TH OCTOBER 1823.

The arrival of the H. C. Cruizer Aurora from Bassidor, we regret to say, has brought Accounts of the deaths of three individuals, whose names, in compliance with a friendly suggestion, not less than with our own feelings we shall defer publishing till a future time.

A Friend has obliged us with the following news from Tabrees.

The Cholera reappeared at Tabrees 20th July, the attacks very severe, but not very fatal. The peace between the Turks and Persians was signed at Arzeroom 27th July Proclaimed at Tabrees with great rejoicing.

We understand, thro' the medium of a Correspondent, that a recent discovery has been made in Chemistry, by which Gas is by compression converted into a fluid. Great hopes are entertained that by means of this discovery steam Vessels may be worked without coals.

In another part of the Paper will be found a letter containing an account of the Suttee which lately took place at Poona. We verily believe that a more atrocious act of cruelty is hardly to be paralleled in the annals of barbarism. The writer of this letter states that an attempt was made to drown the woman. Now if this be fact we do hope that tho' the Law, or custom, aut quocunque alio nomine gaudes, do tolerate the burning of any of His Majesty's subjects, it will hardly allow an attempt to drown a fellow creature to be committed with impunity; indeed the vigilance of the authorities at Poonah does not warrant us in holding such an opinion.

Our readers will find the proceedings of the Recorder's Court detailed in to days paper. We understand the subject of the Memorial, from which part of the proceedings arose, is likely to become matter of Parliamentary investigation.

"A Correspondent informs us in a letter for which we are much obliged that he learns from good authority that the Count *do Rio-Pardo*, who was about the beginning of last year in Bombay had reached Rio de Janeiro, and taken oath to maintain the new order of things established in that Country, in consequence of which, he was appointed one of the members of the *Supreme Government*."

RECORDERS COURT.

TUESDAY OCTOBER 7TH 1823.

The RECORDER observed that he had now to advert to a very serious subject; and one which he was bound to take notice of not only in order to vindicate the Authority and dignity of the Court, but as necessary to the due administration of justice. It was in regard to a Memorial, which had been presented to the Court by the Gentlemen of the Bar. He would state the circumstances. On the 10th of last month he was sitting in Court with Mr. Meriton, when the Memorial was handed up to him by Mr. Irwin, in the name of himself and the rest of the Bar. On that day all the Bar, he believed, were present with the exception of Mr. LeMessurier, But, although he was not present, his name was subscribed to the Memorial.

Mr. LEMESSURIER rose, and acknowledged the signature to be his.

The RECORDER. This document, which was called a Memorial contained certainly, to say no more of it, matter of the most offensive description, alleging, in all and every page of it, that certain rules were not warranted by the charter; and that the practice of the Court, in certain particulars, was warranted by neither the one, nor the other. It was the bar who had put into his hands that memorial, so libellous as he said it was and as he should shew by and bye, that if it had been published, or circulated, by any gentleman not a Barrister, the Court would have been called upon to punish him, not by going before a grand jury, or before a petty jury, but summarily and both by fine and imprisonment. That Memorial had been handed up by the gentlemen of the Bar, whose duty and whose interest it was to pay respect to the Court; for they ought to know that their own characters rose with that of the Court. It was by the Gentlemen of the Bar that that Memorial had been put into his hands,

as the President of the Court. In the beginning it claimed a privilege, as belonging, to the Bar, which he was not before aware of: nor was there in fact any such privilege. It stated, that it was competent to the Gentlemen of the Bar, for-sooth, to bring to the notice of the Court.—

Mr. ADVOCATE GENERAL here interposed and stated, that, as far as concerned himself and, he believed, he might add the rest of the Bar, they had no desire, or intention, that the Memorial should be publicly read; nor was it presented with that view.

Mr. IRWIN observed that he had it in commission from the Bar to communicate to the Court, that the Memorial was presented merely for the private consideration of the members of the Court, and that the bar never contemplated any publication of it, or a public reading of it in open Court.

The RECORDER. Then Mr. IRWIN had thought himself justified in putting into his hands, as the President of the Court, a paper which he acknowledged to be unfit to be read in Court. The gentlemen of the Bar had considered it competent for them to present to the private consideration of the Court, what they acknowledged to be unfit to be read in public. They would presume to insult the Court with.—

Mr. ADVOCATE GENERAL here again interposed and declared that he and the rest of the gentlemen of the Bar had to disavow any consciousness of the Memorial being an insult, or, in any way improper, and that they had not the smallest objection whatever to its being all openly read in Court,—if that was his Lordship's wish. They merely meant to say, that such public reading was not their wish or intention.

The RECORDER, In the first instance, the memorial claimed a privilege, that it was competent to them, as Barristers of your Hon'ble Court, to bring to its notice any existing variance between the rules and the practice, and between the rules and the charter. —and to tell the Court that such rules and practice were illegal. He never dreamt that there was any such privilege existing in the Bar. This was a new doctrine to him. He knew of no such privilege in the bar; nor would the Court allow of their questioning the course the Court adopted in administering justice. Would it have been fitting to have presented to the Court of King Bench such a memorial as this? The Court here were the sole Judges of their own conduct. They alone had the power of Judging, whether they were acting according to the charter or not, it was a matter in their discretion and in their's alone. There was here no power under heaven that had a right to find fault with the proceedings of the Court. If the Court did not act in conformity with the charter, the only remedy was an impeachment in the House of Commons. They were not to be told by any set of men, and far less by persons of the Bar, that they were not acting in conformity with the charter. He would call the attention of the Court to another passage. It went on to say—But he would first state what was the mode of application, which he had pointed out. In the Memorial it was said, that a representation from the Bar would be heard by the Court either on a deputation from the Bar personally or in the shape of a written Memorial. He had said, that if the Bar had any application to make to the favour of the Court, they would be willing to listen to it: In consequence of what had fallen from Mr. Irwin, when he presented the Memorial, it might be conceived that it had been presented by the Bar at his (the Recorder's) desire In that they were wholly mistaken.

Upon some gentlemen getting, up one after the other.—Mr. Alderman Meriton.—Yes, my lord, three Gentlemen.

The RECORDER Upon three gentlemen getting up, one after the other, to object to the course in which the Court was carrying on its business, he had told them, that it was impossible to suffer the business of the Court to be interrupted, day after day, in that manner. If the gentlemen of the Bar had any thing to ask from the favour of the Court,—if there were any particular rules, or any parts of the practice of the Court, which were prejudicial to the interests of the Bar, and the Bar chose to make an application to the favour of the Court, the Court would attend to the propositions of the Bar, if they could do so consistently with the right of the public. The Court would suffer neither the bar, nor any other persons, to arraign their conduct, and to say it was not legal or that the rules, which had been framed by other Recorders, were inconsistent with the rules and charter of the Court. The Memorial went on to state with regard to the small Cause Court, in the concluding paragraph, that that Court appears to your Memorialists to have a tendency to create confusion and irregularity in the administration of justice, by referring each case to the discretion of the Judge and to a Judgment to be given upon the individual Circumstances of each case, rather than to one to be pronounced upon known and established authorities and decided cases; and inasmuch also, as it appears to have a tendency to subvert those principles of law, on which alone your Memorialists are prepared to conduct their practise, and in general to depreciate the character of the Hon'ble Court.

This was the character, given by the gentlemen of the Bar, of those Rules which had been adopted by Sir Wm. Syer the first Recorder of the Court in 1799, which had been sent home, and sanctioned by his Majesty in Council,—which had been afterwards recognised and acted upon by every succeeding Recorder, and to which the former barristers of the Court had never thought of raising objections.

Mr. ADVOCATE GENERAL here intimated a different impression.

THE RECORDER knew of no such representation ever having been made If the allusion in the memorial meant to refer to a memorial sent home to the King in Council by an individual, on the subject, he had this to say that he had certainly heard of such a thing; but, he could tell the gentlemen of the Bar; that it had not met with any consideration, and that an answer had never been returned.

Mr. ADVOCATE GENERAL observed, that he was not alluding to that Memorial, but to his having heard that some doubts had always existed on the subject.

The RECORDER. Of that Court and those rules, which had been framed by Sir Wm. Syer the first Recorder, had been sanctioned by his Majesty in Council, had been adopted and acted upon by every succeeding recorder, & never before objected to by Counsel,—Mr. LeMessurier, for sooth, and Mr. Cleland, Mr. Parry and Mr. Irwin, and Mr. Norton, had thought fit to state, that they had a tendency to create confusion and irregularity in the administration of Justice. Mr. Norton, after a few weeks residence in the Island and with the very limited knowledge and experience which he could acquire in that time, broke in upon them with a new light and discovered, that what had been acted upon by all the Magistrates of the Court from its first establishment, and had been adopted by the first and all subsequent recorders, was all wrong. After twenty-five days practice, he took upon himself to say, that those rules were warranted, neither by law, nor by the Charter, and that they tended to create confusion and irregularity and to subvert the principles of law. But this was not the most offensive part of the Memorial; although what he had now stated was most libellous. The Court would not allow any part of its Jurisdiction to be attacked;—and that for very potent reasons Not merely to maintain the Authority and dignity of the Court, but as necessary for the administration of Justice. What would the public think of a Court, which they heard the bar had declared to be illegal. A Suitor comes into the Small Cause Court;—he learns, that those to whom he is accustomed to look for advice had unanimously declared the Court to be illegal in its very foundation,—would he be inclined to submit with deference to the Court and be satisfied with its

Judgements? It would be necessary for the Court to resort to brute force, when it was requisite to enforce its orders.

But this was not the most offensive part of the libil. They had ventured to assert, that the practice of the court was not in conformity with the rules of the small cause Court, or the charter of Justice. Your Memorialists beg to submit that, in some other particulars, connected with the practice oi the small cause Court, their interests are still more prejudiced, in regard to which, nuther the rules of the small cause Court, as at present framed, nor the charter of justice, according to the best construction they are capable of making afford any authority or explanation. And then it went on. And in allusion to those particulars your Memorialits scrupulously confine themselves to such facts, as they are acquainted with of their own Knowledge, and which they believe to be incontest ble. It appears to your Memorialists, from the rapeated instances in which those Court have been helc in private, for the examination and Punishment of alleged offeuces, in respect to matters proceeding under the jurisdiction of this Court." He asserted that the allegatiou was utterly unfounded, that small Cause Courts were held in private for the examination and punishment of alleged offences. It was the Judges of that Court (Recortder's Court) sitting in Chambers; and not the small Cause Ceurt It was the Court sitting in Chambers, as they had a right to do and as necessary for justice, and as he might have done by himself. But that the small Cause Gourt had ever sat privately was unfounded. That it was held without any rules made for such purpose or any public notice given his friends, who were sitting with him knew to be utterly unfounded. But he shold not condescend to explain, or answer, any more of the charges against the Court. It was what was due to others, as well as to the Court that he should not. The Court were satisfied that they had done their duty and it was a sufficient satisfaction to them to be conscious, that they had done their duty.

The Memorial went on to say that both the manner and time of holding such Courts depend altogether upon the casual discretiou of your Hon'ble Court.' Therewere other unfounded allegations which he would not read, because it was not incumbent uponhim to read a libel. There was a charge of examining the parties *Viva Voce*.

That the *parties* had ever been examined *viva Voce* was unfounded. That the Plaintiff was examined, under particular circumstances, was certainly true and it was grounded on a rule ef Court, under which it was done: an he had before shewn on what clause of the Charter the rule was fronded. The parties meanboth Plaintiff, and Defendant, and that the *parties* hadbeen examined had not been the fact The plaintiff had been examined, and that was under a rule of the small Canse Court, which rule was sanctioned by a elause of the Charter.

As to the Petition Court, which formed the subject of another part of the Memorial, he would only say that Petitions might he heard in chambers wheu he pleased, and that he should contiue to hear them in chambers whenever he pleased.

The Memorial concluded stating your Memorialsts beg leave respectfully to submit to the consideration of your Honorable Court, that such a course of proceeding is caleulated to introduce irregularitty, confusion and nisceretionary prince ples into the of justice, administration through the medium of your Hen Court' So that these gentlemen ventured to say that it was through the medum of the court and they accuse the Court of introducing irregularity, confusim, and discretionary priciples into the administration of justice. And the humble request of these porsons is that the institution of the small cause Court, & all the rules upon which its prociedings are founded as far as such rules & proceedings are at vari ance with the Course of proceedings laid down in the Charter may be abolished and vacated" But he should not stat the insinuations, which were meant te be cooevyed by the prayer of the Memorial; nor the implications, which those sentences conveyed. He would, now, call upon the gentlemen of the bar to state, what excuse, or a pology, they had to offer, for having presented a Memerial, containing aspersions so libellous and unfounded, and for having put such a memorial into his hands, as the President of the Court.

Mr. Irwin rose, in answer to his Lordships call, to state, on behalf of the bar, those sentiments on the subject of the Memorial, which, he believed, they entertained in common with himself; but, should be omit to state any thing material to be mentioned, he would claim for each of his learned friends to speak for himself to that charge, which affected them all individually. He would first advert to the Commencing paragraph of the Memorial, upon which his Lordship had observed, that it claimed a right hitherto unknown to his Lordship for the barristers to bring to the notice of the Court any rule of Court, or practice of the same, which was at variance with the charter.

To this he had to say, that he had frequently known Barristers of that Court, in cases when the interests of a client in a suit were affected by any rule, or rules, to shew to the Court, in what respect such rules were contrary to the charter, —he had known that principle admitted by the Court, and he then said that it was scarcely to be supposed that that right, which they the bar claimed on behalf of others, should not be available in their own case and when their own interests were affected;—it was in fact contrary to human nature that they should not insist upon it He was bound in duty to himself and his learned friends, to say that that memorial read and extracted in parts as it had been by his lordship might assume a very offensive & libellous aspect; but he would have it all taken together and as a whole, and not to be judged of by insulated paragraphs whose meaning and effect was dependent on the context of the whole memorial He had now to express his sincere regret that anything they (the bar) might have said or done should have produced on the minds of the Court, an impression so very imfavorable to them and so foreign to their intentions;—and, as his lordship had pronounced the memorial to be libellous and as persive, to submit to the decision of the Court and to express a hearty sorrow that such was the Courts opinion of it But he must distinctly on behalf of his learned friends and himself, say that hey had not the most remote intention of giving the slightest offence, or of offering either openly or covertly, any disrespect to the Court They) the Bar) wished to draw his lordships attention to circumstances which affected them as barristers, and to grievances, which required redress They resorted to the only mode which was open to them to obtain it; for that very course of a memorial had been pomted out to them by his Lordship, when he refused to hear objeetions, made on one or two occasions, to the proceedings of the Court. But he was not so lost to all sense of duty and propriety—he was not somad, as to put his name to such a memorial, if he had thought that he was, thereby, conveying an insult to the Court, or degrading its character in the eyes of the public. What object could any of them (the bar) possibly have in so cloing? they could gain nothing by it either from the court, or the public. The public never were appealed to in the most indirect shape. surely it must have been some proof to thei lord that ships they had acted bonafide, and with the purest intentions, when no circulation whatever had been made by them of the representation, they had made, but, that the one single paper, which had been presented to the private consideration of the members of the Court, was all that had transpired on subject. Their (the Bar's) sole object had been redress, in case their representations were well founded; and they never could have imagined, that any application for it, made to a competent tribunal, would be deemed libellous. He confessed, that they (the Bar) had no very confident expectation o a favorable result in all respects,—at least in his Lordship's judgement: but, still, they conceived, that they were proceeding in a direct course to obtain that redress which; if not had here might be granted by an ulterior tribunal. He would beg to say a few words; here, upou the institution of the small, Cause Court at this presidency. By the acts of the 37th and of the 39th and 40th of his late Majesty.

The Recorder here recommended to Mr Irwin not to pursue that course.

Mr. Irwin—Then he should not so—and he should not enter into the particulars of the memorial, because he was of opinion that the present occasion did not call for it. But he would refer to the whole memorial before the Court to vindicate them, (the Bar) from the imputation of any libellous' or disrespectful, invention in presenting it. His Lordship had adverted to some statements in the memorial, as unfounded infact;

if they were so, he was sincerely sorry that they had been inserted in it. But he declared, solemnly, there was no statement in the memorial which he did not in his conscience, believe to be true: some, as of his own particular kowledge; and others, as from the best information he possessed, and the best means he had of obtaining it. His lordship had stated that the rules of the small Cause Court had been drawn up by Sir Wm. Syer, had been sent home, and had obtained the sanction of his Majesty in Council—Now he solemnly declared, that that was the first time that he had ever heard that fact from any authority. He had anxiously endeavoured and inquired after information as to that important fact, but had never been able to learn that the rules had been sent home, or that the sanction, required was obtained.

The Recorder remarked, that it was required by the Charter, that, all the rules of that Court should be sanctioned by his Majesty in Council, and he, thersfore, presumed that they had been sanctioned.

Mr. Irwin Surely, on a point of such vital importance as that, which had been the subject of doubt and enquiry ever since he came to Bombay, was it not going too far to say, that because the Charter required such saaction, it had been therefore obtained, or that, because it was required to be done, it must, necessarily, have been done. That sanction, if clearly established, would have precluded them (the Bar) from at all questioning the legality and validity of the small Cause Court proceedings, and would have deprived them, at once, of that ground of complaint in the Memorial. His lordship might be inpossession of fuller and more correct information on that point, than they were but, as the resalt of their enquiries had left the fact undecided, they might be justified in assuming that it was not proved, and that the rules of the small cause Court never had obtained the sanctions required by the charter. He should conclude, what he had to say, by again disclaming, most solemnly, any intention of disrespect to the Court, or to any of its mambers, and by appealing to the Memorial itself, and to afair and dispassionate consideration of its contents, to free them (the Bar) from that charge which was now made against them

The Recorder addressed Mr. advocate. General and asked whether he wished to say any thing.

Mr. ADVOCATE GENERAL He had but a very few words to say, Mr. Irwin having fully and sufficiently expressed his his feelings. But his Lordship had alluded to some of the statements in that Memorial, which he had taken down, as being unfounded, and perhaps, it might be on that very account that they were demed libellous. He would therefore, if his. Lordship would allow him, advert to those statements, to the facts on which the Bar had, in their minds, conceived they were founded. First, as to the courts being, sometimes, held privately. There was one case of a man, having been committed for a contempt of court, in reference to some proceedings of his as a cleark in the office of the small-cause court, and which proceedings were the subject of many private examinations by the court. The Court, too which committed him, was held privately; nor did he beli ve any one yet knew what was the nature of this contempt. That therefore, appeared to them (the Bar) as one instance of a private Cour.

The Recorder.—That, Sir, was an enquiry in private chambers in to the conduct of that person, and not a Court which was held.

Mr. Adv. Gen.—But, as he believed, a contempt could be committed only against a Court of record, and a Court of record alone could commit for a contempt, they (the Bar) had, of course, conceived that those private sittings were courts.

The Recorder—Did he mean to say that only Courts of record could commit for contempt?

Mr. Adr. Gen.—He should say so.

The Recorder.—Did he mean to say that he (the Recorder) could not commit a man who insulted him, for instance, in his own private chamber? (pointing to it)

Mr. Adv. Gen.—He (the Adv. Gen) spoke off hand, certainly, and from mere recollection, and perhaps, he might be exemplefying prodigious ignorance! but he would venture to submit that neither his lordsh p, nor a judge of the court of Kings's Bench, could commit a man as for a contempt, committed against him in his private chamber. Another p int was, as to Courts held without any rule for that purpose and without public notice. Now the regu ar day fixed for Courts for small causes, by the rules promulgated, was every Saturday. But the days had been repeatediy changed! although he could say for himself and, he beli ved, for the rest of the bar, that they had had no notice of the new appointed day's; nor had any rule, he believed, been, as yet m de on the subject. He believed, indeed, that Saturday was almost the only day, on w ich th se Courts were now never held. He knew not what other authority settled the day from time to time but his Lordship's discretion.

The Recorder. If he (the Adr. Ge .) had had no notice of the Court days it was his own fault for he might have known by enquring of the officer and, if he had attended in Court he would have heard the officer adjourn the Court to the next day, on which it was to be held. He had altered the regular day, from Saturday to Tuesday, for the facilities of business; although the alteration was, not yet, made a rule. The other days were merely adjournment days.

Mr. Alderman Meriton—He had always heard the officer adjourn the court, when he was present, to the next Court day. And he had never known of any court having been held, during his time to sit, to which he had *not* been summoned.

Mr. Advocate General.—Perhaps the statement then was too broad, in saying generally, that courts were held without public notice; and he was very sorry that it should not have been qualified by reference to the kind of notice given, namely, that by the officer of adjournment, and by the summons of the Aldermen. He would wish this qualification should be inserted in the Memorial. He could safely say that no such notice had ever come to their (the Bar's) knowledge. But, in truth, whatever might have been stated erroneously or whatever expression might, in its nature, be considered offensive to the Court, the Bar would be glad to expunge, or amend, or vary. in any way the Court might be pleased to suggest.

The onlo other topic, to which his lordship had pointed, as unfounded, referred to the examination of the parties *Vivâ Voce* upon oath.

The Recorder.—By the term *parties* any one would suppose that both Plaintiff and defendant were meant; but the Plaintiff, only was ever examined.

Mr. Advocate General.—He (the Advocate General,) was not aware himself of any distinction, which his lordship drew, between party Plaintiff and party defendant. He had thought, however, that both parties had been examined, and he was, the more, induced to think so, from his lordship having declared he had authority to examine the Plaintiff. But, infact, he believed that he could refer to notes, taken upon the only two accasions that he ever attended a small cause court, by which it would appear, that both parties had been, occasionaly, examined.

The RECORDDR. When, pray, had he ever known a defendant examined. He had a right to examine the Plantiff, when the Defendant did not appear, both by the rules and the charter; but he never, that he recollected, examined the defendant.

Mr. Advocate General He could no say that he could find in the charter any such authority for examining the plaintiff. But, as to the instances he had spoken of, he had not seen his notes since they were taken, which was now two or three months ago, and he could not be absolutely sure:—but, speaking from recollection, he could refer to a case, in which his lordship entered into a long examination of a Defendant, as to a claim of set-off, and proposed an arbitration to him to which he finally assented, and it was, then, intimated that such reference would be made obligatory by a rule of Court.

The Recorder.—Was that an examination,—as king a party to refer his cause?

Mr. Advocate General.—He could only say, that it was an examination upon oath, and referred to the merits of his claims.

He had now offered all that he had to say upon the subject, except that he disclaimed all intentions of conveying any disrespect to the members of the Court. Indeed, it was their (the Bar's) object to make an appeal to higher authorities on the subject of these courts; but he had conceived, and had expressed such opinion, that it would be the more respectful to address their lordships in the first instance. Referring to the impression taken up by the Court, be would wish to express, for himself and his brethren, their regret that they had done thus much to occasion it; but he confessed, that he was not, in the least, aware, that such an interpretalion could be fairly put upon that appeal.

Mr. Parry, on a reference made to him by the recorder, declared that the sentiments, which had been expressed by Mr. Irwin and by Mr. Advocate General, were so perfectly in accordance with his own, that he had nothing further to add, than that, if that Memorial were to be considered either libellous, or disrespectful, the object, with which be had signed it, would be entirely defeated.

Mr. LeMessurier and Mr. Cleland declined occupying the time of the Court, as all, that they had to offer, had been already so fully expressed.

The Recorder then conferredwith the other Members of the Court, and after a few seconds said. That the Court had considered the Memorial, and the imputations which it contained, and which nothing on the part of the Bar had removed. It would have been

culpable in any man to have presented such a memorial, it was far more culpable in the gentlemen of the Bar. The gentlemen of the Bar ought to have known better. They ought to have known better then to have stated matters, taking the chance of their being true; not knowing whether they were facts or not. It appeared that Mr. Advocate General admittedhimself to be wrong in one or two instances. It was unnecessary for him to go again into the matters of the Memorial. All these gentlemen had presumed to state that they had seen what they had declared, and to hand it up to him as the President of the Court. On account of the insult, which had been offered to the Court, the sentence of the Court was, that they shoud be suspended, or in the words of the charter, removed from their situation of barristers in the Court for the space of six calendar months, and that, in the mean time, the Attornies should practise as advocates, as well as attornies.

We beg to point attention to the foregoing proceedings which have recently taken place in the Recorder's Court. We mentioned in our last that we expected to be able to lay before the public a Copy of the Memorial presented on a former occasion. The observation was made from a presumption that the Memorial did not contain any matter, which might be construed into a libel. The Court has however considered part of the Document to be libellous; we therefore give to the public such parts only as were read and formed the subject matter of discussion in the Court.

On the subject of fees, which occupied the attention of the Court during the early part of the proceedings we have seen a report in the Courier, which we conceive, in some particulars, to be incorrect.

As far as we understand the investigation, one of the Attornies had made an appeal to the Recorder, in consequence of some of the Barristers having claimed a refresher, in a certain case, and which, the attorney conceived, he was not, in the case in question, bound to give. Some correspondence had taken place, on the subject between the barristers and the attorney; out of which, a question had arisen, with regard to the right of the Barristers to reject fees, lower than the lowest fees given, in similar cases at the other Presidencie's the barristers not assuming to themselves any discretion to reject the briefs themselves, as such a rejection might be, from the peculiar situation of the Bar in India, construed to amount to an interruption of business. We understand the Court to have admitted, that a Barrister, in England, by accepting fees below certain mimina, would be acting unprofessionally, and that this subject would have been, entirely, out of the jurisdiction of the Courts in England, and subject, as a matter of professional conduct, to the Opinion of the Bar themselves, and the exclusive investigation of the Inns of Court, but, that the Court here had a jurisdiction on the subject, from a clause in the charter, which gave them a liberty of removing barristors for reasonable cause. We have not understood as stated in the Courier, that the Barristers claimed to interfere, in any respect, as to the amount of fees, in general, or to dispute, in the least degree, the right of the attornies to exercise their discretion, in regard to fees above certain minima.

Long explanations were entered into, which we refrain from detailing as they could not possibly afford any gratificationto our readers;—and indeed we cannot forbear expressing some degree of surprise that on so delicate a topic it should have been deemed expedient to make the subject a matter of public enquiry.

RECORDER'S COURT.

SATURDAY 11TH OCTOBER 1823.

Fourth Sessions opened in usual form

GRAND JURY.

JAMES HEN. CRAWFORD ESQ.—FOREMAN.

James Fawcett, Esq.	M. T. D. Devitre Esq.
David Malcolm, Esq.	John Sanders, Esq.
Alexander Bell, Esq.	Benjamin Noton, Esq.
George Barnes, Esq.	Wm T. Graham, Esq.
Wm. Manwaring, Esq.	Jas. J. Robinson, Esq.
Jas. Farquharson, Esq.	Wm. C. Bruce, Esq.
William Nicol, Esq.	Patrick Stewart, Esq.
Crawd. Macleod, Esq.	Tho. Crawford, Esq.
John Rob. Steuart Esq.	James Forbes, Esq.
Guy L Prendergast Esq.	W. Peel, Esq.
George Forbes Esq.	J. Curwann, Esq.

The Recorder having called the attention of the Grand Jury to one or two points of law with respect to the receiving written evidence of witnesses, when their personal attendance was not procurable, observed that such evidence, the witnesses being competent ones, was admissible. His Lordship also remarked, on the subject of the depositions of witnesses being read before the Grand Jury, that it must be understood that such depositions were not evidence of themselves, but merely a clue to evidence. The Grand Jury then retired.

The Bills found are

True Bill against Lalla Gunnesh Soorty for Larceny, Deen Mahomed Shaik Mahomed for burglary and Shetaree woman for receiving the Goods.

Andrew Reagan John Harridge, Charles Jonny, and John Grealy, for Murder and no Bill against James Kinnear, and Michael Sheehan, charged with same crime in same Bill.

On this last presentment by the Grand Jury Mr. Advocate Morgan, moved to quash the indictment, which the Court ordered; another Bill was then sent against the first 4 for the Murder and found by the Grand Jury Kinnear and Sheehan were discharged by Proclamation.

True Bills against Sutwa Rannoo and Chima Rannoo, for a Burglary, and for a Robbery from the person.

No Bill against Patrick Murphy for uttering a counterfeit rupee.

No Bill against J. L. Emmott for manslaughter.

True Bill against Deenshaw Coonverjee for Larceny.

True Bill against Abdul Cadir Shaik Iman for Larceny and Antonio Malabary and Cavera woman as Receiver of the stolen Goods.

No Bill against Bhowanjeeree Boodgaree for Larceny.

TUESDAY.

Abdul Cadir Shaik Iman—Guilty of Larceny to be imprisoned 2 years in Bombay Jailand twice publicly flogged.

Antonio Malabary and Cavera woman Receivers, not guilty, and discharged by Proclamation.

Deenshaw Coonverjee, Larceny, Guilty, sentence not passed there being many other charges against him.

The Court is adjourned till this day at ½ past 10 & the trial of the 4 Soldiers charged with the murder of a Madrassee at Poonah will be proceeded on.

The late hour at which we received the Proceedings in the Recorder's Court has unavoidably delayed the publication of the Paper much beyond the time we could have wished it to appear.

Bombay.

ARRIWALS.—Lieut. T. C. Parr, 4th Regt.
Lieut. and Adj. Blachford, Horse Artillery.
Lieut. and Adj. H. Corsellis, 2 | 9th Regt.
Lieut. Dicluzeau, Artillery.
Lieut. J. Hall, Pioneers.
Capt. Geo, Moore, Payr. S. D. A.
Lieut. and Adj, E. M'Carthy, 47th Regt.
Major Preston, D. P. M.
Lieut. Fitzmaurice, 4th Light Drns.
Surg. Kenny, 67th Regt.
Lieut. Webb, Artillery.
Lieut. Bell 1 | 6th Regt.
Lieut, and Quarter Master W. Burrowes, 2 | 7th Regt.
Ensign Thomas E. Tayler, 2 | 6th Regt.
DEPARTURES.—Capt. Farquharson, 2d Battalion 11th Regiment.
Cornet Alexander Urquhart, 2d Light Cavalry.
Ensign George Wilson, 1st | 5th Regt.
Ensign W. P. Eyel, 2 | 10th Regt. N. I.

NAUTICAL NOTICES, CHRONICLE and NAVAL REPORT.

Bombay.

ARRIVALS.—October 8th Armed Ketch Vigilant, Syrang Doss Mahomud, from Surat.
9th Arab Ship Futtay Mumbaruck, Nacqudah Abdulla, from Muscat, 25th September.
Ship La Constance, A. Regnaud, from Mauritius, 9th September.
13th Imaum of Muscat's Frigate Liverpool, Nacqudah Hajee Seroor, from Muscat, 3d October.
The Hon'ble Company's Ship Aurora, Lieut. George Herne, fpom Persiun Gulph, 27th September.
PASSENGERS.—per La Constance, C Law Esq. Mrs. Bathfield, Miss Anna Bathfield, Mr. Moore.
DEPARTURES.—October 8th Armed Pattamar Darria Dowlatt, Tindel Azmooden Bancooteker to Gogo.
11th Armed Ketch Vigilant, Syrang Doss Mahomed, to Surat.
12th Ship Larkasar, J. G. Frith, to Persian Gulph.
Persian Ship Rahimaney, Nacqudah Sayed bin Sultan, to Calcutta.
PASSENGERS.—by Larkasar, Mrs. Maillard, Mrs. Frith, Mr. Ritchie, Capt. Hunter,

SHIHS LOADING.

English.—Royal Charlotte, for London.
Layton, for ditto.
Lord Castlereagh, for ditto.
Carron, for Bengal.
Nurbada, for ditto.
Kusrovie, for Bussorah.

Calcutta.

ARRIVALS.—September 15th The H. C. E. Ship Fame, Capt, C. Young, from England direct 27th May.

Maria, Capt. R. K. Reynolds, from the Cape of Good Hope 15th July, and Point de Galle 4th Sept.

Hero of Malown, J. Neish, from Batavia 4th July and Bencoolen 7 h August.

Asia Felix, G. Jellicoe, from Bombay 27th ditto.

Sept, 16th Ship Mary Ann, Capt. Wm. Wise, from Penang 31st July, and Madras 6th Sept.

Frances Warden, Wm. Webster, from Rangoon 22th August.

Ameer Bux, Nacoda, from Ceylon 9th and Negapatam 10th September,

Sept. 17th The English Ship Maitland, Capt. W. Kinsey from Madras 9th Sept.

Edward Stretten, B. Allport, from Madras 2d Sept.

Brig Caroline J. Pearson, from Penang, 14th Aug.

Sept. 18th Bark Dolphin Capt, G. East, from Bencoolen 6th July, Padang, Madras, and Coringa, 11th September.

Ship Hydroos, Syed Meer Ally Beg, from Mocha, 16th August, and Allepee, 6th Sept,

DEPARTURES — The English Ship Ann and Amelia Capt. Joseph Short, for London, via Madras.

Madras.

ARRIVALS.—September 21st, Ship James Scott, Capt F. McKenzie, from Calcutta 9th, and Vizagapatam 16th September.

Do. Ship Indian Oak, Captain John Reid, from Penang 22d August, and Bouring 1st September.

22d, Ship Grenada Capt. Alexander Anderson, from London 27th April, and Teneriffe 27th May.

24th, Ship Lancaster Captain John Davies, from Liverpool 12th June.

25th, H. C. Ship Marquis of Wellington, Capt. John Blanshard, from London 29th May, and Cape of Good Hope 19th August.

DEPARTURES.—September 21st, Ship Fulck, Naccodah Shaik Cuifaun Ben Syed, for Rangoon.

24th, H. C. Ship Princess Chalotte of Wales, Capt. C. B. Gribble, for Calcutta.

Do. Brig Guide, Captain William Holloway, for the West Coast of Sumatra.

25th, French Ship Angelica; Captain Fondamier, for Calcutta.

General Register of Marriages, Births, and Deaths.

Bombay.

BIRTHS.

Tuesday the 7th Instant, the Lady of Dr. Keys of a Son.

At Poonah on the 7th Instant, the Lady of Lieut. Col. Mayne of a Daughter.

On Tuesday morning the 14th Inst the lady of Lieut. Robert Mignan of the Bombay European Regiment of a Son.

DEATHS.

At Bushire on the 2d of August last, Capt. Frederick Soldeux of the 1st Regiment of Bombay Light Cavalry, an Officer whose disposition and manners obtained him the respect and esteem of all who knew him, and whose conspicuous Gallantry and Zeal for the Service has sufficiently manifested the severe loss, which has been sustained in the death of this valuable Officer.

On Saturday last, the 4th Instant, Ensign R. J. McNab, of the Bombay European Regiment, aged 19 years.

On Sunday Evening the 12th Instant of a Lockjaw Ann Matt Daughter of the late Tons Mott of the H. C. Marion aged 3 years and 6 months.

Calcutta.

MARRIAGES—At Saint John's Cathedral, on the Morning of Saturday the 13th Instant, by the Revd. Charles Corrie, L. L. B. Senior Chaplain of the Presidency, Mr. Robert Martindell to Miss Maria Duncan Eaton, late of Miss Thornton's Seminary.

This Morning, at 8, at the Cathedral Church of St. John by the Reverend Daniel Corrie, Senior Presidency Chaplain, Thomas Robinson Wiltshire, Esq to Miss Elvina eldest Daughter of the late Capt. J. W. Palmer of the Bengal Military Establishment.

BIRTHS.—At Fultah Ghaut, on the 10th August, the Lady of S. S. Frost. Esq. of a Son and Heir.

At Cawnpore, on the 30th August, the Lady of Capt. Geo. Mathers, His Majesty's 59th Regt. of a Daughter.

At Goomalty, near Malda, on the 4th Sept. the Lady of John Andrews, Esq, of a Daughter.

At Malda, on the 8th Sept. the Lady of J. W. Bateman; Esq. of Jungypore, of a Son.

At Dum-Dum, on the 13th Sept. the Lady of Capt. P. G. Mathison, of Artillery, and Commissary of Ordnance, of a Daughter.

DEATHS.—On the 13th Sept. the Lady of G. Gogerly, Esq. aged 25 years.

On the 15th Sept. Tredway Clark, Esq. of the Civil Service, aged 25 years.

Madras,

MARRIAGES.

At Point de Galle, Ceylon, on the 3d September, by the Revd Mr. Garston, Colonial Chaplain, Richard Brock, Esq to Miss Ann Cecilia Rabinel, youngest Daughter of the late John David Rabinel, Esq. Judge in the Honorable Company's Service at Malacca.

At Wallajahbad, on the 22d Sept. by the Revd. Thos. Lewis, M. A. Malcolm McNeill, Esq. Lieutenant and Adjutant of the 6th Regiment Light Cavalry, to Emily, second Daughter of Major Bennett, of the 69th Regt.

BIRTHS.

At Arcot, on the 15th Sept. the Lady of Lientenant. Naylor, 89th Regt. Aid-de-Camp to General Sewell, of a Son, who expired the following day.

At Trichinopoly, on the 18th Sept. the Lady of H. Prichard Esq. of a Son.

At Saint Thomas's Mount, on the 19th Sept. the Lady of Capt. Abpy, Commissary of Stores at that Station of a Son.

DEATH.

At Negapatam, on the morning of the 18th Sept. Major J. D. Crompton, of the 4th N. V. Bat. after a long and lingering illness.

Calcutta.

SUPREME COURT.

FRIDAY. SEPT. 19TH, 1823.—Before the Hon'ble Sir Francis Macnaghten and Sir Antony Buller in Chambers.

The case of Mr. Arnot was argued today, when Mr. Turton was heard in favor of the writ of *Habeas Corpus*, to which the Advocate General replied. Mr. Turton rejoined, and the Judges having retired for more than half an hour, on their return to Court proceeded to give judgement. The Senior Justice stated that he much regretted that it was not likely the Court would be unanimous on the subject, and that for his part he was clearly of opinion that the Governor General had no right to confine Mr. Arnot and that he ought to be discharged. This opinion was delivered in an animated and impassioned speech, of which we regret our inability to give more than the decision to day. Sir A Buller was of a contrary opinion, and stated at considerable length the grounds of his dissent. Mr. Arnot was of course set at liberty immediately, in consequence of the decision of Sir Francis Macnaghten.

Supplement to the India Gazette. Sept. 22.

English News.

PARLIAMENTARY INTELLIGENCE.

HOUSE OF COMMONS.—APRIL 28.

FOREIGN RELATIONS AND POLICY.

Mr. J. MACDONALD rose, pursuant to notice, to move an humble Address to his Majesty, on the subject of the Papers connected with the Foreign Relations and Policy of the country, lately laid on the Table of the House. If he could either explain or conceive how a communication of so much importance had been allowed to lie so long upon the Table of the House without giving rise to a specific motion, he should not have offered himself to the notice of the House. This communication had now found its way into the hands of the people of this country, and all must have discovered in it matter sufficient to induce them to cling to those principles which were dear and deservedly dear to us. It might have been well that the communication had so remained upon the Table, till the public astonishment at what was disclosed in it had in some degree subsided; till we had got the better of those feelings of surprise (our resolutions to defend the cause of freedom, and hate that of aggression, could not be diminished); but till the tumult of our feelings had subsided. That had now had time to take place; and he (Mr. Macdonald) had ventured to stand up, in default of more able men, many of whom he saw around him. He would call upon those to speak frankly, and to say whether we had not arrived at one of those eras in our history at which we were called upon to review our past conduct.—From that we would see whether we had not found ourselves in what was by the Duke of Wellington termed "a false position," and we would see whether we have not brought ourselves into that false position by an abandonment of those principles which ought to regulate our conduct. The House would, perhaps give him leave briefly to recal the situation in which we had been at the commencement of the late war. That war had lasted from 1793 to 1815, and in the course of it we had been forced from our natural position, and it had left us too much connected with the most despotic Governments. The state in which we had stood at the commencement of that war was very different from our state at present. Were we then to concur in the false analogy of M. Chateaubriand? If we did, then there might be applied the remark of a Right Honourable Gent., that "the fear of the enemy was far less than our Allies." These Allies were arrayed against liberty itself. In the progress of that war an unusual resistance was manifested by this country to the aggression of France upon the independence of Spain.—The people of England were determined that the neck of free Spain should not be made, whether under a Bonaparte or a Bourbon, a footstool for French aggrandisement. That was terminated by the overthrow of the power of Napoleon; would to God he could say with eventual good fortune to the destinies of the world, and twice had we interfered to place with our arms the fallen Bourbon on the Throne of France. Then commenced that scramble which characterised the negociations at Vienna—that disregard of the interests of the people—that cutting out and parcelling of the smaller States of Europe, marked contempt of the attachments and ancient relations of their inhabitants, which disgusted mankind. So long as Saxony and the Italian Republics were remembered in language, so long would disgust be attached to our conduct at that period. We sacrificed all the old principles of policy which had characterised this country, and became satisfied with professions, and for whom? for the unceasing supporters of aggression and tyranny—for those who commenced, in the partition of Poland, that system of spoliation which it was at least hoped was terminated at Vienna in 1814. Why did he state these circumstances at that moment? He did so for the purpose of shewing that this country stood in the predicament—not of Cæsar's wife—but our conduct towards the weaker States of the world had been more than suspicious; that we had too long connived at the iniquitous aggression of the powerful over the weak; and that we were therefore bound by every consider-

vation that affected our character and interest, to take the first opportunity of righting ourselves with the world [hear, hear, hear!]. One word he should state in the beginning as to the freedom of the Constitution of Spain. Let no man remain under the erroneous impression that the Spanish Constitution was founded on some vague, crude, abstract principle. It was no such thing—it was their ancient Constitution [hear, hear!]. He was not there to argue its merits or demerits, or to pronounce decisively its aptitude to the state of modern society. There was not a more limited Monarchy than that of Castile; and so it had continued until the union of the Crowns of Arragon and Castile, when from the corruption of the Cortes itself the liberties of the people were subverted. That was the Constitution which Spain had re-established; and with the necessary precaution of providing against those vacillations to which all Governments, the effect of revolution, were subjected, in the period of their organization, it was determined that its basis should undergo no alteration for the space of eight years. That Constitution the Allied Powers acknowledged. In their delight at the regeneration of Spain, so long as that regeneration had connected itself with hostilities to the power of Napoleon, they expressed themselves in the strongest terms of regard. Nay, the Autocrat of Russia went to the extent of baptizing it with that cabalistic term, now so much in veneration—in a word, he pronounced it *legitimate* (hear hear!) Such was the state of things until the return of Ferdinand, in 1814; whose first act of gratitude was to consign to exile, incarceration, and even to execution, many of those brave men, who, in defence of his Throne, had sacrificed their blood, and who had liberated from foreign thraldom that country which this slave and his minions had betrayed [hear, hear!]. In 1820, God be thanked, that fabric of tyranny and superstition fell to the ground; Portugal followed the glorious example, and the Peninsula was free. It was not to be expected that a country which had so long groaned under the double servitude of despotism and priestcraft, should at once, in the first moment of its regeneration, settle into a calm; that it should not be disturbed by the factious murmurings of those, whose interests were injured by the new order of things. Still in point of fact these dissentions under the circumstances were comparatively slight, until France, he would rather say, the Govt. of France, bestirred itself by every means of intrigue, by the force of money, excited them, after all and only successful in the provinces immediately bordering on its own frontiers—excited them, he would say, for the purpose of covering the effects of her own intrigues as a crime against Spain, and at a time, when under false pretences, a French Army of Observation was formed on the frontiers. It was, however, coupled with these transactions, to be borne in mind, that in 1820 the Czar of Russia, though distant as the Poles, under the influence of the new light—God defend us from those Northern lights!—[a laugh, and hear, hear!], bethought here If of interfering in the concerns of that part of Western Europe. In consequence of that manifestation the late Lord Londonderry addressed a confidential communication, many parts of which, for it was a very unequal production, did him great credit, to the four Allied Courts. The Russian Emperor, finding therefore his proposition not warmly received, apparently renounced it. Thus affairs stood until the menaced aggression of Spain at the Congress of Verona. It was, perhaps, as well that he should revert at once to those alleged divisions which were stated to exist in Spain with reference to the order of things. From all that he could learn, and from the most likely sources of information, he did believe that a most malignant exaggeration had been put forth respecting the existing dissentions amongst the Spanish people [hear, hear!]. But allowing the existence of these feuds, in what country, he would ask, where a revolution in the Government had taken place, have such divisions not existed [hear, hear!]? Was our own revolution perfected and accomplished without two civil wars [hear, hear!]? Taking, therefore, the two sides, as it had been said of the Spanish people, and how did the account stand? In favour of the Constitution was the whole of the landed interest—the whole of the commercial—all the liberal professions—all the knowledge, science and character of Spain [hear, hear!]; and on the other side stood opposed a few bigoted Nobles, the whole body of the priesthood, and that portion of the peasantry who were mere instrument in the hands of the former. In such a contest, unaffected by foreign violence and intrigue, where was the moral, the real equality [hear!]? The Right Hon. Gent. his Majesty's Secretary for Foreign Affairs, in his speech on a former occasion, seemed to anticipate objections to the conduct observed by his Government in the late negociations from but two descriptions of opponents; either those pugnacious persons who would have made no other answer, but by striking a blow; or those who would menace war but not make it. It would indeed be very fortunate for the Right Honourable Gentleman (Mr Canning), if out of the documents before the House, he could secure himself from no other opposition than what he comprehended in that alternative. Did the Right Honourable Gentleman never hear of the station which Great Britain held, and ought to hold in Europe? Did he never reflect on the weight and authority which heretofore was attached to her just remonstrance! Could he not imagine the influence that such a course of proceeding must have had in arresting the wicked project of a wrong-headed ally, indebted to Great Britain for his very existence [hear, hear!]. In dealing with such a Government, was there no other alternative but immediate war, or cold-blooded neutrality? That alternative he has now to meet, and on the propriety of its adoption it would be his duty to take the sense of the House of Commons [hear, hear!]. The charge against him was not that he had not precipitated Great Britain into war, but that he had not interposed the weight of her character and influence in the right quarter, or in the right season, with the almost certain prospect of preserving the general peace of Europe; that he had sacrificed the certainty of avoiding war to some chimerical apprehension of having the war thrown upon us immediately, though with the imminent peril of being dragged into it hereafter [hear, hear!]. To that apprehension we had sacrificed the dignity and character of England, and exhibited ourselves to Europe the object of its ridicule and contempt [hear, hear, hear!]. These transactions divided themselves into three parts, viz. the negociations at Paris, at Verona, and at Madrid. It was not the least suprising feature of these most extraordinary occurrences, that for two years the British Government remained in total ignorance of all that had been passing between France and Spain. The wonder was, whether they were not in equal ignorance as to the occurrences between Russia and France, at the same time that they continued most active in imparting to the French Government all that passed between themselves and Spain. Until he had heard this admission from themselves, he had thought it to be some vulgar libel on the character of Lord Londonderry, and a gross satire on the Government to which he belonged [hear, hear!]. Ignorant, however, they remained until the arrival of the Duke of Wellington at Paris, and the subsequent communication of Monsieur de Villele, "as to the actual position of the French Government relative to Spain, and the hypothesis under which they might be forced into a war." In his Grace's answer, he was somewhat cautious, declaring it to be impossible for him to state before hand what would be our conduct upon any hypothetical case.—The Noble Duke immediately wrote home, desiring to be furnished with instructions, not alone as to the line of conduct he should follow, but as to the arguments he should urge, in case the French Government should make the proposition at the Congress. The Right Honorable Secretary for Foreign Affairs, to do him justice, did not, in his answer, affect to misunderstand the hypothetical proposition of Monsieur de Villele. "If there" (said he) "be a determined project to interfere by force or by menace in the present struggle in Spain, so convinced are his Majesty's Government of the uselessness and danger of any such interference—so objectionable does it appear to them in principle, as well as utterly impracticable in execution, that when the necessity arises, or (I would rather say) when the opportunity offers, I am to instruct your Grace at once frankly and peremtorily to declare, that to any such interference, come what may;" here, indeed, was a true *parturiunt montes*, "His Majesty will not be a party!"—With these instructions, he (Mr. Macdonald) confessed his disappointment commenced. What when, the enormity of the contemplated crime had been thus unexpectedly presented to their view—when the magnitude of the peril in which Europe was about to be plunged, was displayed in all its turpitude, nothing more from the Ministry of Great Britain than the words, that his Majesty will not be a party. Was that the language, or the decision the country had a right to expect from the Right Honourable Gentleman, in commenting on the grossest violation of international law that history recorded, or an aggression that struck at the independence and security of every free State, that was repugnant to every principle of justice and of national honour? In place of limiting his objection to such a proceeding, by stating, that his Majesty would be no party, still less that he would connive at it; he had a right to expect, that the Right Honourable Gentleman would have at once declared, that in whatever councils such a principle of action was contemplated, from such councils his Majesty at once withdrew [hear, hear, hear!]. To the Duke of Wellington that instruction should have been promptly communicated, his answers to the French Government on the spot—to have impressed upon them the necessity of not sheltering themselves under any delusive doubt as to the intentions of Great Britain—to have reminded them of the obligations our generous exertions in their behalf had imposed on them—that we were, in consequence of those exertions bound in certain engagements for their support; but that if the aggression against Spain was persevered in, those engagements were at an end [hear, hear, hear!]. That Great Britain, in becoming a party in the Continental Alliances, had been impelled to that course by a sincere respect for the rights of independent nations—that her only aim was to secure the absolute peace and promote the happiness of its different States; but that if unhappily his Majesty was frustrated in these just views, he altogether retired from such engagements, determined to remain as free as air, to take what course his sense of justice and of policy directed, accountable to his people, and his people only, for the conduct he should pursue [cheers]. Unhappily that was not the course which his Ministers thought proper to follow. The Duke of Wellington, uninformed, as they say, and half instructed, as it did appear, proceeded to Verona. To have attempted nothing at Paris immediately with the French Government was the first error. Perhaps the second was to have proceeded to Verona at all. He knew not but it would be expected from him, in approaching that august conclave there assembled, to speak of them with those feelings of awe and reverence which their station, though not their virtues, seemed to claim. He would do so with sincere satisfaction, if these Sovereigns felt that they themselves were men, and that those subjected to their rule were men also [hear, hear, hear!]. He would do so, if they had applied their power to advance in place of resisting the progressive improvement of mankind; but so long as they were engaged in a deep and gloomy conspiracy against the rights and interests of the world, he should, as a Member of the British House of Commons, take advantage of that freedom of discussion, but a little longer left, perhaps, which they so hated, and which if enabled they would destroy with such avidity, designate them by that term which their iniquitous policy deserved, and call them as they were, a confederacy of tyrants [hear hear!] And here he must be allowed to state, that he heard with some surprize the Right Honourable Secretary feel it necessary to vindicate the appointment of Sir Wm. A'Court to the Embassy at Madrid; and he must add, a very curious fact collaterally arose out of that consideration—for what would the House, what would the country think of the extent to which these tyrans carried their dictation with independent Governments, when they learn that they not alone questioned the propriety of the appointment of his Majesty of his Representatives not at their own, but at Foreign Courts, and even the propriety of his appointing any Representative at all [cheers from various parts of the House]? With respect to the appointment of the Duke of Wellington to Verona, he was not disposed to find fault with that selection, though he knew that some persons entertained a different opinion, from the fact of the Noble Duke being so mixed up with those treaties and engagments at former Congresses, as rather to weaken his influence when appearing in opposition to their purposes. That was not his opinion. For looking at the other side of the question, he saw in the Noble Duke not only a person thickly covered with the badges of honour, earned in the success of those exertions which secured their throne—but because he felt they must recognize in him a breathing record of what might be done, because by him it was done for Spain, in fighting the war of its independence [cheers] Such a negociator, instructed as he ought to have been, could not fail to have a very powerful influence with these Sovereigns. But what need, he would ask, was there in such a proceeding of any adroit diplomacy? Plain speaking on the part of England was her duty and her policy. Frankness, candour, straight forward declarations, and an unshaken decision—these were the characteristics of her interference (hear, hear!). Was it the coldness of the Cabinet that paralysed the Noble Duke's exertions? Was there a doubt existing in any man's mind, that if the Noble Duke displayed but a little of that spirit, determination, and energy which he was wont to do in the field in opposition to the meditated aggression against Spain, that the massacre of its free people, which was now carrying on, would have been attempted [hear, hear!]? At Verona the same queries were submitted to the Noble Duke as to the other Allies, in the event of war breaking out between France and Spain, and as the support the former would receive, in order to inspire into salutary dread the Revolutionists of all countries. What Monsieur de Villele expected by the manner in

which his questions were put, the British Plenipotentiary should have realised. It was his bounden duty, the moment the state of Spain was adverted to, to have said—"We can give no answer—Spain is not represented at this Congress. There exists a Treaty, that of Aix-la-Chapelle, which guarantees that no interference shall take place with the concerns of foreign States, but in pursuance of a formal invitation on their part, and under the express reservation of their right of direct participation therein, either directly or by Plenipotentiaries." Why was not that done? It was not, as every man who read these documents would at once perceive, because the Noble Duke did not pretend to know whether, if war was to occur, France or Spain would be the aggressor [hear, hear!]. He assumed, throughout the whole of the correspondence, that the apprehensions of making war equally applied to Spain as to France. Indeed the Noble Duke proceeded to scatter a ray of comfort to the Allied Conclave. He assures them "that a review of the obvious circumstances of France and Spain will show, that whatever may be the tone assumed towards France by the ruling powers in Spain, they are not in a state to carry into execution any plan of real hostility."—But he (Mr. Macdonald) must state, that the ignorance of the Noble Duke was very ill got up [hear, hear, hear!]; for we find him subsequently drawing a very nice distinction between an external and internal cause of quarrel. What said Monsieur Chateaubriand, as to that alleged ignorance in his answer to Mr. Secretary Canning's dispatch, dated Paris, 23d Jan.? "The Cabinet of the Tuileries have not forgotten that the principal motive alledged by his Grace the Duke of Wellington at Verona, for not explaining himself upon the *casus fœderis*, was the ignorance of his Government of the transactions which had taken place between France and Spain from 1820 to 1822. The objection was removed at the Congress, as it will be here by the single observation, that the grievances of what France might have to complain on the subject of the Spanish Revolution were unfortunately of public notoriety, and this is what the undersigned will have occasion to develope in the course of this Note." And yet we find, after that intelligible statement, the Rt. Hon. Secretary for Foreign Affairs, in his letter to Sir C. Stuart of March 31, stating "the cases brought forward by the French Plenipotentiary in the conferences of the Allied Cabinets, were all contingent and precautionary, and that the British representative declined concurring in them, not only because he was unauthorised to pledge the faith of his Government to any hypothetical engagement, but because his Government had from the month of April 1820, uniformly recommended to the Powers of the Alliance to abstain from all interference in the internal affairs of Spain!" Never, never since the political existence of Great Britain, had such an overture been made by an English Minister. What object had the wars of the Queens Elizabeth and Anne, but to resist the aggressions of France on the independence of the weaker States of Europe? How would the Ministers Burleigh, Godolphin, and of late times, Chatham, have received such a proposition as that of the French Government? The distinguished Burleigh would at least have shook his head at its announciation and a shake from him was no insignificant mark of his displeasure—but of our late Plenipotentiary it could not be said that he ever shook his head at the abominable declaration that France had made. The Noble Duke contented himself with the inference, that we should have placed ourselves in false position. What an unnecessary effort to disguise the real procedure! The veil of assurances was, however, speedily upraised—the fine web, so artfully woven, was destined to be torn aside, and that with no light hand—for forth came the thundering Resolutions of the Holy Alliance. These Resolutions had been so ably dissected by his Honourable and Learned Friend near him (Mr. Brougham) with his master mind he had so exposed that abominable tissue of hypocrisy and insolence, that he (Mr. Macdonald) would not attempt to weaken the effect, but consign it and its authors to the infamy which his Learned Friend had affixed indelibly to themselves and their declaration [cheers]. What said that declaration? It held out to Spain that on the surrender of its independence, it should receive from them—What? Its recognition in the European family [a laugh, and hear, hear!]. Did these explanations of the Allied Powers remove the film which had obscured the vision of the Noble Plenipotentiary? Not at all. In point of fact, the language from the first to the last day of the negociations possessed the same character. When the Noble Duke was no longer in the dark—when the transaction was displayed in its fullest colours—if there was a change, it was that the compliments of the Noble Duke became more marked, and panegyrics were pronounced on their forbearance [hear, hear!] He (Mr. Macdonald) had stated generally, what the dignity, the influence, and the character of Great Britain had demanded of the King's Ministers. In answer, he should be told, that such a course left no alternative but war. But after all it was a balance of chances. The Right Honourable Secretary gave the chance of ultimate war with national discredit—better then, he would say, was the chance of immediate war with the nation's honour and character untarnished [hear, hear!]. That was not, however, the necessary result of a becoming and manly policy. The universal belief of every impartial man was, that if the British Government had acted upon principles less equivocal, the peace of Europe would have been preserved. But even should the French Government under such circumstances have felt disposed to take umbrage, so long as Great Britain sustained her dignity, he would have cared little for that umbrage. He felt as fully as any man who heard him, the expence that her exertions had already entailed her—he was deeply sensible of the necessity of recruiting those resources, which she had lavished for the rescue of Europe, but he still felt that she had not lost so much as to have incapacitated herself from still taking that part in the affairs of the world, which became her station and her character [hear!]. For her there was left open a plain and peculiar line of conduct to follow. Even after the proceeding of Verona terminated, unless the offer of Monsieur de Villele was intended as a trick, the suspension of the transmission of the dispatches of the Allied Courts to Madrid, afforded a strong proof that late as the period was, a determined explanation of the views of Great Britain would, in the vacillating state of the French Government, have been attended with the most beneficial effects. That appeared to him very evident from pages 12 and 14 in the documents before the House. With respect to the proposed mediation on the part of Great Britain, he did not see that, under the circumstances, it was likely to be accepted. On that point he considered the reasoning of the Duke of Montmorency very conclusive. "In fact," says he, "there exists no difference between them, no specific point of discussion by the arrangement of which their relations might be placed on the footing on which they ought to stand!" The Right Honourable Secretary proposed to the British Minister at Madrid our mediation if Spain should ask for it. Spain did not ask for it, and yet we opened that question with France. A few days after, a British Commissioner, Lord Fitzroy Somerset, was dispatched to Spain, with the Duke of Wellington's compliments to his old friends in that country, requesting them to give up every thing to France, for every thing was comprehended in the principle, situated as Spain was in reference to the French Government. A statement was made as to the degree of power a King of Spain should have, and of course it bore an implied attestation to the character of Ferdinand. The Speech of the King of France, and the explanatory dispatch of Sir C. Stuart, at length put an end to this unseemly course. What could he say of that Speech stronger than the language of the Right Honourable Secretary himself? It struck at the roots of the British Constitution. Yet what was the conduct of his Government? Portugal had the courage to protest against it—we endeavoured to explain it [hear, hear, hear!]. Here was no vague or casual interpolation—no isolated sentence on which casuists might dispute. Nay, more, the French Envoy, Monsieur Marcellus, waited on the Right Hon Secretary with a copy of the Speech, accompanied with what besides? An explanation of its meaning satisfactory to the feeling of the British Government? No; but with a formal and precise demand of our interposition with the Spanish Government. In place of demanding from the King of France's Minister an explanation of that revolting speech, the Right Honourable Gentleman unasked proceeded to give an explanation of it himself [hear!]. We went crawling to the doors of the Tuileries, with an explanation of a King of France's Speech in the one hand and our bonus of good offices in procuring Spanish submission in the other. Succeed, said France, in obtaining the subserviency of Spain to our meance, and we shall be satisfied; if not, we are prepared to carry that menace into effect. In despite of all these obstacles, we persevered in pressing that submission on Spain; and it was worthy of remark, that in a letter from Sir William A'Court, under date the 4th of February, the very day on which the hoax on the British Parliament commenced, that he Sir William A'Court having received a copy of Sir C. Stuart's dispatch of the 28th January, relating his conversation with M. de Chateaubriand, Sir W. A'Court, anxious to prevent the adoption of any violent measures, in consequence of the arrival of the King of France's Speech to the Chambers, went to the Spanish Minister, and read the whole of the dispatch to him; and what did M. de San Miguel say? What every patriot would say, what every honest man would say, under such circumstances. "He broke out into exclamations against the general conduct of the French Government, expressing his conviction that a war was inevitable. He said that Spain would never admit that the Constitution emanated from the King, nor recognise any other Sovereignty than that of the People." It was most gratifying to observe throughout the whole transaction, that the lustre of the Spanish cause was never for a moment tarnished by the slightest departure from that dignity which the Spanish Government preserved to a degree unequalled in modern—unsurpassed in ancient times [hear, hear, hear!]. And was there no other free and independent Government to be found in Europe to support this manly conduct of Spain? The Government of England, on the contrary, continued to endeavour to tease the Spanish Government into concession to France. Almost the day after the spirited declaration of the Spanish Minister, it appeared by the Papers that Sir W. A'Court pressed M. de San Miguel to consent to some modification of the Spanish Constitution. So long ago as in a dispatch of the 29th December, the Right Honourable Secretary of State for Foreign Affairs had stated to Sir W. A'Court that France had a separate object in view. The words were—"the object of France, since she has to a certain degree reconsidered for herself the measures framed at Verona, appears to be to induce us to concur in her separate and mitigated measure." If, however, the House would look at the Correspondence, they would find that, on the 19th of February, Sir William A'Court, speaking of the extract which he had received of Sir C. Stuart's dispatch to Mr. Secretary Canning, of the 10th February, says—that by that "he learns, for the first time, the exact concessions which will satisfy France, and engage her to put an end to her armaments." It was true that, in Jan., it was proposed by M. de Chateaubriand to get up a sort of grand melo-drama on the banks of the Bidassoa. Animated perhaps by the recollection of his own former exploit in bringing water from the river Jordan to baptise the young Napoleon, the French Minister proposed that Ferdinand should be allowed to advance to the banks of the Bidassoa, there to throw himself and the liberties of Spain into the arms of his cousin the Duke of Angouleme, at the head of 100,000 men. Sir C. Stuart in his dispatch to Mr. Secretary Canning of the 10th of February, stated that he had had an interview with M. de Chateaubriand on the subject of the King of France's Speech, but that he had been unable to obtain any satisfactory explanation. On that occasion, however, Sir C. Stuart stated that he had obtained from M. de Chateaubriand a something which might be construed into a proposition of terms with Spain. An extract from that dispatch was forwarded by Sir C. Stuart to Sir W. A'Court; who immediately on receiving it set off to M. de San Miguel. And what did he do? "He proceeded to read to M. de San Miguel those parts which he thought the most calculated to produce a favourable effect." Now let the House remark the character of this proceeding. Here was the Minister of one country affecting to give friendly advice to the Minister of another, and in fact assuming some degree of responsibility on the occasion, and he went to that foreign Minister and read to him only "those parts" of a dispatch "which he thought the most calculated to produce a favourable effect!" Was that fair? Was it honest? He (Mr. Macdonald) had no hesitation in declaring, that in his opinion there was not an honourable man in the world who would say that Sir W. A'Court was justified in thus keeping M. de San Miguel in the dark with respect to the real situation of Spain, and the real intentions of France towards her [hear, hear, hear!] It was curious enough to observe the contradictory terms of the proposition, if such it could be called, of M. de Chateaubriand, communicated by Sir C. Stuart, in his dispatch of the 10th of February. Sir C. Stuart's words were, "M. de Chateaubriand does not hesitate to admit, that in order to give stability to any modification of the present system in Spain, and to afford sufficient assurance to France to justify her discontinuing her warlike preparations, the King of Spain must be a party, and consent to such modification. Upon this principle, a change which shall result from a thorough understanding between his Catholic Majesty and the Cortes, will be considered to afford some prospect of modifications which are indispensible to the security of neighbouring states. The French Government will not only be satisfied with the opening which any act (such as the establishment of a Second Chamber), may offer to complete, through the intervention of Great Britain, the system which is necessary for the Constitutional Government of Spain; but, without waiting for any

further proofs of the sincerity of the Spanish Government, they will consider any such act as affording reasonable grounds for suspending their armaments, and replacing the relations between the two countries upon a footing usual in time of peace—though, since he cannot suppose that we consider mere fair assurances to be sufficient, we must not be surprised if preparations for war are in the mean time carried on without intermission." So that the armaments were to be suspended, and the preparations for war to go on at the same time! Sir C. Stuart proceeded—"M. de Chateaubriand did not enter into any detail respecting the nature of the acts to which he alluded, but I understood him to refer to the project of allowing the King the nomination of Councillors of State, and giving them a deliberative power, upon a similar principle with that of the American Senate; to which might be added a regulation, fixing the amount of the qualification required to render a candidate eligible to the second, or representative Chamber." This was the dispatch by which Sir W. A'Court declared, that he had for the first time learnt "the exact concessions," which would satisfy France, and—a singular slip in a diplomatic pen—"engage her," to suspend? No, "to put an end to her armaments!" What was the answer which M. de San Miguel gave to Sir W. A'Court, after the latter had read to him "those parts of the dispatch which he thought the most calculated to produce a favorable effect?" "M. de San Miguel listened with the greatest attention; but, as soon as I had concluded, observed, that the British Government was labouring under a delusion in supposing any sort of modification possible. It would be a much easier thing to overturn the whole constitutional system, and to re-establish absolute despotism than to concede even the most insignificant of the points which had been pointed out as the most likely to conciliate" [hear, hear hear!], "He was fully aware that England asked no modifications on her own account. He knew that we wished to preserve to Spain her constitutional system; that our only object in trying to engage her to yield upon certain points was the conviction that if a war did break out we must be, sooner or later, involved in it ourselves. He knew very well that we should not declare in favour of Spain at first; but nobody could be so blind as not to see that, if the war was protracted and other powers took part in it, England alone could not remain a passive spectator of what might be its results" [hear, hear, hear!]. The House would see by these remarks the impression upon the mind of the Spanish Minister with respect to what he conceived must be the policy of England. He (Mr. Macdonald) was sorry to say that he could find nothing in the whole of the document which had been laid upon the table, that justified M. de San Miguel's estimate of our character. He could not find a single symptom of hatred of unjust aggression; he could not find a single symptom of love of freedom—What the feeling of the Spanish Minister must be to find that all his anticipations of the generous character of England were falsified by the conduct of her Government [hear, hear, hear!]. Sir W. A'Court was delighted on receiving an account "for the first time" of "the exact concessions which would satisfy France." But that delight did not last long. In eight and forty hours after he had expressed it, Sir C. Stuart sent to Mr. Secretary Canning M. de Chateaubriand's explanation of the views of the French Government in the following words:—"M. de Chateaubriand said that he had turned over the subject in his own mind, with a view to decide upon what terms it might be possible to meet the proposals they might receive; and though he could not state the result of his reflection to be the expression of the sentiments of the French Government, yet he thought the subject might be taken into consideration if the Spanish negociators should engage at a future period to modify their Constitution; and in the mean time prove their good faith by restoring the King to his physical liberty, and allowing him to frequent the Spas, and to go to watering places; by a general amnesty; by the establishment of laws to regulate the press, and by a change of Ministry" [hear, hear! and a laugh]. And yet Sir W. A'Court said in a dispatch of the 9th of March, "I saw M. de San Miguel this morning, and to my great astonishment, he asked me what were the precise conditions required by France, in case any question should be asked him in the Cortes? I repeated to him the conditions stated in Sir C. Stuart's dispatch of the 10th of February, and those (hardly to be considered official) contained in the same Ambassador's dispatch of the 21st of Feb. and according to his request, I sent him, upon my return home, an extract from the dispatch of the 10th of February. What is in agitation I know not. He told me he should say nothing upon the subject, unless called upon by the Cortes; and that if any negociations were entered into he would not be the person to negociate." Thus it turned out that, whatever the English Ministers might have been, the Spaish Minister was not fooled by the pretences and proceeding of the French Government [hear, hear, hear!]. He (Mr. Macdonald) had already spoken of the concessions which were unceasingly required of Spain by the English Government. The Right Honourable Secretary of State for Foreign Affairs first required a confidential and spontaneous assurance that his Catholic Majesty and his family were altogether safe from violence. Considering the uniform forbearance and temper which the Cortes had manifested, such a requisition appeared to involve an unnecessary insult. The Right Honourable Secretary then asked for some satisfactory assurances from Spain which might warrant France in withdrawing her army of observations. To that Sir W. A'Court replied that the time for such a measure was passed.—Then came the spectacle of an English Secretary of State pressing on the Spanish Government the adoption of an amnesty to all who had taken up arms against that Government. Who was there that heard him (Mr. Macdonald) who would say that in his opinion the Spanish Government ought to have granted an amnesty to all those who, not from any mistaken fanaticism—not from any motive of false zeal, but from a base love of lucre—from a base love of French money, were prepared to betray their country into the hands of an enemy? [hear, hear, hear!] While the British Government were so earnest in urging the Spanish Government to make concessions, did they make a single attempt to intimate to France that she ought for decency's sake to draw off, were it only for a few miles, that army which was assembled on the frontier to keep out all "moral contagion?" But although there was abundant proof of our "good offices" in behalf of France, he was utterly at a loss where to look for any manifestation of our "good offices" in behalf of Spain. Not only did we sustain from any such "good offices," but the Right Hon. the Secretary of the State for Foreign Affairs actually sat down, and relieved the uneasiness, little or great, which rested on the minds of the French Government with respect to the course of policy which Great Britain might adopt; an uneasiness which must in some degree have diminished the vigour of her exertions—by voluntarily tendering to France a pledge of our neutrality [hear, hear, hear!]. He had now done with these Papers, and he would to God they were not to remain in our archives, the perpetual disgrace of our foreign diplomacy. He would put one question. Supposing an Administration hostile to liberty, and secretly and in their hearts, friendly to the cause of Spain, he wished to ask how the ingenuity of man could have devised better means of aiding France in her nefarious projects than those which the British Government had adopted [hear, hear, hear!]? Whatever the French Ministry had in contemplation, he could not accuse them of duplicity to our Government. As regarded Portugal unquestionably they had manifested the greatest duplicity.—It was impossible not to see the spirit of quizzing, of persiflage, which pervaded all the "assurances" of France on that subject. The French Government too "disavowed," it seemed, "all views of ambition and aggrandisement." They declared that if they succeeded in their purpose, the Government of Spain should be administered in the name of Ferdinand the Seventh. Every body recollected, however, that not long ago Joseph Bonaparte—not Napoleon Bonaparte—was King of Spain; nevertheless, Napoleon, in virtue of his consanguinity, took upon himself the general superintendance of the affairs of that country, whose fleets and armies were placed at his disposal. Who did not foresee that if France were successful in her present attempt, a similar result must ensue? And what, he begged to ask, might not be the consequence, were the French possessed of the whole line of coast from Holland to Gibraltar, and thence up the Straights to Genoa? It was but a few nights ago that the Honourable Member for Fermanagh made the horrible declaration, that there were in Ireland five millions of people ready to exterminate the small minority, and to unite themselves to a foreign Power if an opportunity were afforded to them. What an opportunity would such an event as that to which he had alluded present! And what, did any Honourable Gentleman think, would prevent these political crusaders from setting us right also—but the impracticability of the task? We might depend upon it, that the hatred which tyrants bore to us, in return for our hatred of tyranny, was mortal and incurable. The language of the combined Monarchs of Continental Europe appeared to him to be perfectly intelligible. It was to this effect—"Wait until we have achieved the immediate objects which we have in view—wait until we have closed the doors of every legislative assembly remaining in the States of Germany; wait until Austria is in possession of Italy; wait until France is in possession of Spain; wait until the Russian flag waves on the Dardanelles and the Morea; and then, proud Islanders, your time is come!" [hear, hear, hear!] What was to be the issue of this tremendous conflict, which was to decide neither more nor less than whether Europe was to become one vast military despotism, it baffled all human wisdom and foresight to conjecture. It might be that the crime which Bonaparte, in the plenitude of his power, failed in perpetrating, might be achieved by the tyrants, aided by the bigots of the present time. If so, not only the perils, but the deep responsibility would rest on our heads. He hoped in God that that would not be the case. It was, however, possible.

"Multi
Committunt eadem diverso crimina fato;
Ille crucem sceleris pretium tulit, hic diadema."

But whatever might be the issue, he called on the House to do their duty, by stating to his Majesty that in their opinion his Ministers had not done theirs [hear, hear, hear!]. He would, therefore, move.

"That an humble Address be presented to his Majesty to inform his Majesty, that this House has taken into its most serious consideration the papers relating to the late negociation, which have been laid before them by his Majesty's gracious command.

"To represent to his Majesty, that the disappointment of his Majesty's benevolent solicitude to preserve general peace, appears to this House to have, in a great measure, arisen from the failure of his Ministers to make the most earnest, vigorous, and solemn protest against the pretended right of the Sovereigns, assembled at Verona, to make war on Spain on account of her political institutions; as well as against the subsequent pretension of the French Government to deny that nations can lawfully enjoy any civil privileges but from the spontaneous grant of their Kings; principles destructive of the rights of all independent States, which strike at the root of the British constitution, and are subversive of his Majesty's legitimate title to the throne.

"Farther, to declare to his Majesty the surprise and sorrow with which this House has observed that his Majesty's Ministers should have advised the Spanish Government, while so unwarrantably menaced, to alter their Constitution, in the hope of averting invasion; a concession which alone would have involved the total sacrifice of national independence; and which was not even palliated by an assurance from France, that, on receiving so dishonourable a submission, she would desist from her unprovoked aggression.

"Finally, to represent to his Majesty, that, in the judgment of this House, a tone of more dignified remonstrance would have been better calculated to preserve the peace of the Continent, and thereby to secure this nation more effectually from the hazard of being involved in the calamities of war.

Mr. S. WORTLEY rose for the purpose of proposing an Amendment to the Motion of the Hon. Gentleman but before doing so he wished to make a few observations on the subject before the House. He was so confident that the general feeling of the country was in unison with his own upon it, that he should be ashamed of himself if he were not ready to take the first opportunity of bringing the question to a simple and plain issue. With respect to all which the Honourable Gentleman had said of the conduct of the Foreign Powers towards Spain, he (Mr. S. Wortley) suspected there was a perfect agreement throughout this country. For himself, he felt as strongly and warmly as the Honourable Gentleman could do, that the conduct of the Allied Sovereigns struck at all the principles on which our Constitution was founded, and attempted to shut the door to the admission into any State of any thing like rational liberty [hear, hear!]. Further, he would say, that as to the conduct of France, it seemed to him to be perfectly incomprehensible. In his opinion the French Government had manifested a degree of folly, greater than had ever been exhibited by any other Government on the face of the earth. He had himself very little doubt that that folly would meet with its reward; and that the projects of France would ultimately fail. Believing that, he was satisfied that all the Honourable Mover's apprehensions of danger to this country from the possession of Spain by France were visionary. With respect to the conduct of his Majesty's Government at Verona, he contended, that unless we had determined to back our remonstrances by force, we should, had we used stronger language, have placed ourselves (to use the expression of the Duke of Wellington, which the Honourable Mover had attempted to ridicule) "in an entirely

false position." The question for his Majesty's Government to decide had been, whether to preserve neutrality, or, in the event of their remonstrances being unattended to, to support them by a recourse to arms? That being the alternative, he thought that Ministers, in the choice which they had made, had acted wisely, and in accordance with the general feeling of the country. In his opinion they would not have been acquitted had they acted differently, and supported their remonstraces by the threat of war. The moment that they saw their way, and felt that the policy of the country was neutrality, they were bound not to go to such a length in their representation as would commit them to subsequent hostility.—After protesting against any participation in the views of the Continental Powers and after a reference to the principles which we had already promulgated, as those by which our conduct with regard to any interference in the internal affairs of other States was regulated, it was their duty to show, as they had done, that they did not consider it the true interest of this country to take any measure of hostile preparation. That being his view of the subject, he thought the Duke of Wellington had very ably discharged his duties at Verona. The Honourable Gentleman and his friends might find fault with that conduct but assuming that neutrality was the policy of this country, he (Mr. Wortly) thought that his Grace's measures were well taken, and his language well chosen on that occasion. Having failed in preventing the determination at Verona, to send the circular dispatches to the Ministers of the various powers at Madrid, on his return to Paris, the Duke of Wellington made such an impression on the French Government as to induce it to send a messenger to Verona, desiring that the transmission of the dispatches might be stayed. Ultimately, indeed the dispatches were transmitted. What was left for our Government to do? Merely to say, as had been said, that all that was left to them was to be ready with their good offices whenever they should be required. The Honourable Gentleman found fault with his Majesty's Government for offering mediation to France; and asserted that in all their proceedings they had manifested a favourable disposition to France and not to Spain. On that point he and the Honourable Gentleman were at issue. With respect to mediation, the interference of this country had been expressly required by Spain itself. He would read a passage from the papers to show that we had not entered into any attempt to accommodate matters of our own accord, but were induced to do so at the instance of Spain. And here it gave him great pleasure to observe in the dispatches and conduct of M. de San Miguel a dignity, as if the spirit of liberty gave him at once a superiority over those to whom he was opposed [hear, hear, hear!]. The passage to which he referred was as follows,—Having requested acts of friendly interposition on the part of this country, M. de San Miguel thus proceeded:—"The acts to which I allude would in no wise compromise the most strictly conceived system of neutrality. Good offices, counsels, the reflections of one friend in favour of another, do not place a nation in concert of attack or defence with another—do not expose it to the enmity of the opposite party, even if they do not deserve its gratitude, they are not (in a word) effective aid, troops, arms, subsidies, which augment the force of one of the contending parties. It is of reason only that we are speaking, and it is with the pen of conciliation that a power, situated like Great Britain, might support Spain, without exposing herself to take part in a war which she may perhaps prevent with general utility" [hear, hear hear!] This passage afforded an indisputable proof that the Government of one of the parties—of that party against which the Honourable Gentleman charged his Majesty's Ministers, with leaning, saw and approved the policy which this country was about to pursue. Having found fault with the principle of our mediation, the Honourable Mover of the Address proceeded to find fault with the manner of it, contending that it was favourable to France, and of course unfavourable to Spain. He (Mr. Wortley) could not agree to this. It was undoubted that France had a right to have on her frontier a Corps of Observation. Having that right, she was entitled to some assurances from Spain in order to induce her to withdraw her troops. If the demands of France had been conveyed to Spain in a peremptory manner, he (Mr. Wortley) agreed with the Honourable Gentleman, that Spain ought to have persisted rather than have made any change in her constitution. Had he been a Spaniard, he would willingly have suffered every evil rather than have consented. But what objection could there be, parties as we were to the whole transaction—having distinctly referred, as we had done, to the principles on which our policy in such circumstances had always been founded—what objection could there be to our pointing out to Spain, in a friendly manner, that it might be expedient to correct some of those defects, the existence of which she herself acknowledged? Had Spain possessed the means of resistance, she would have chosen most wisely in adopting the course she had pursued; but at the moment she made that choice she was totally unprepared for repelling attack,—and did confess, that he thought if she had availed herself of the friendly intimation of England, and had given way in some little points, it would in no degree have derogated from her character. She had, however, chosen the bolder path; and then came the question, whether, under all the circumstances of the case, it was not the duty of his Majesty's Government to the country to maintain a determined neutrality? He (Mr. S. Wortley) believed that the policy of this country was strictly neutrality. He could by no means see all the dangers to this country which the Honourable Gentleman had described in the latter part of his speech, even should France attain her immediate object. In the first place he would ask the Honourable Gentleman and his Friends who had been so continually pressing the reduction of our establishments and the diminution of our taxation, in what situation this country would have now been placed; if the policy which they recommended with respect to France and Spain had been pursued? If at Verona we had remonstrated, and finding our remonstrances in vain, had armed in support of our opinions, instead of having had any Taxes taken off during the present Session, we must before now have consented to the imposition of heavy additional Taxes [hear, hear, hear.] And, after all, how could we have efficiently supported Spain? He knew it had been said that it would only have been necessary for us to equip a fleet. But it was perfectly idle to talk of seriously supporting the cause of Spain unless we supported it as we did last war. He could not however, see any thing in the present state of Europe which would justify us in lightly entering upon such a contest. With respect to Spain, if it was true that the Spaniards were determined to be free, he trusted and believed they would be so. If however, France obtained possession of Spain, it could be but temporary possession. In order to make the possession of Spain by France dangerous to England, she must remain in that possession for a considerable period. But did not the experience of late years prove the hopelessness of any such expectation on the part of France? Did it not prove the insuperable difficulty of keeping what it was sufficiently difficult to obtain? If, however, the Spaniards were not generally hostile to France, all our efforts in that country, limited as they must necessarily be in comparison with those of late war, would be unavailing. Under all the possible circumstances of the case, he was decidedly of opinion that war was not our present policy. From the commencement of the session that had been his opinion; and it was strongly confirmed by what had fallen from the Honourable Gentleman this evening. He would conclude, therefore, by moving as an Amendment, to leave out all the words in the motion, after the paragraph, stating that the House had taken into its most serious consideration the papers which had been laid before it by his Majesty's gracious command, for the porpose of substituting the following:—

"To assure his Majesty of our entire concurrence in the principles which his Majesty has repeatedly declared, with respect to interference in the internal concerns of independent nations, and in his Majesty's just application of those principles, in the course of the late Negociations, to the cause of Spain.

"To acknowledge, with gratitude, his Majesty's earnest and unwearied endeavours to preserve the peace of Europe.

"To express our deep regret that those endeavours have proved unavailing; and, while we rejoice that his Majesty has not become party to a war, in which neither honour, nor treaty, nor the welfare of his Majesty's dominions, required his Majesty to engage; to assure his Majesty that, highly as we estimate the advantages of peace, particularly at the present moment, we shall be at all times ready to afford his Majesty our most zealous and affectionate support in any measures which his Majesty may find necessary to fulfil the obligations of national faith, to vindicate the dignity of his Crown, or to maintain the rights and interests of his people"

Mr. T. WILSON seconded the Amendment. He was convinced that the great majority of the country at large were in favour of neutrality, and applauded the perseverance of his Majesty's Ministers in that line of conduct by which they had hitherto preserved the blessings of peace. It was not to be expected that the papers on the Table would give satisfaction to every body. But looking at them as a whole, he thought they proved that his Majesty's Ministers had done all that honour, that consistency, and that firmness of character required of them. His original opinion on this subject had not been at all weakened by the arguments of the Honorable Gentleman opposite. All his arguments reduced themselves to this—that as we had failed in obtaining the object at which we aimed by remonstrance, we should have succeeded in obtaining it by war. On that point he differed very much from the Honourable Gentleman. He was far, however, from espousing the part of the Congress. No one could see with greater pain than himself the invasion of Spain by France; and the attempts to raise recruits, and to organise an army among the Spaniards, to be employed against Spain herself [hear, hear, hear!]. These were circumstances which no Englishman could contemplate without the strongest disapprobation [hear!]. If he were to express a feeling, it should be that of strong constitutional disrespect for any Government who could thus openly commit a violation of a most solemn treaty. But then he felt that we were not bound to be the arbitrators of Europe; that we were not necessarily obliged to interfere in every continental dispute which might arise; he felt that the conduct of our Ministers had been just what it ought to have been, and that it ought not to have been alluded to and stigmatised in the language which he had heard in that House upon that, as well as upon former occasions. The only effect of such language could be to lower the dignity of debate in the House of Commons, and to produce feelings of anger and irritation, both in this country and elsewhere. He could, if necessary, quote many expressions of this description used by the Honourable Member opposite in the course of his speech. That Honourable Member (Mr. Macdonald) had spoken of the hatred with which tyrants were regarged in this country, and had at the same time designated the Holy Alliance as a confederacy of tyrants [hear, hear, !] [He Mr. Wilson) entertained no fear of the interference of the Continental Powers in the affairs of this country, in consequence of our not having adopted that chivalrous course of politics pointed out by the Honourable Member. He, (Mr. W.) felt, that we had, as was our policy, while determined upon a strict neutrality, recommended peace both to France and to Spain. And though this recommendation had been disregarded, still Government was bound to husband the resources of the country, and to place itself in such a situation as would enable us to engage with all our energies in defence of the honour and interests of our country, should either the one or the other be menaced by the posture of affairs upon the Continent. The Honourable Member concluded by seconding the Amendment.

The Motion and Amendment having been read from the Chair,

Mr. HOBHOUSE hoped the House would bear with him while he expressed the sentiments which he felt—the sentiments which he believed to be entertained by every educated Englishman in the Country upon this question; he should be excused while he stated what he felt to be the gross failure of our late negociations, and the deep degradation to which this country had been reduced by the conduct of the Right Hon. Secretary for Foreign Affairs and his colleagues in office [hear, hear, hear]. He felt the full sense of this degradation, but while he did so he could not help congratulating himself and the House at finding that neither the Hon. Member who moved the Amendment (Mr. S. Wortley) nor the Honourable Member (Mr. T. Wilson) who seconded it, had tainted their ears with that degrading language (and he was sorry that according to the forms of the House, he could allude to it in more open terms) which had been held in another place [hear, hear,]. Our Ministers had every principle and every feeling of Englishmen

☞ *The remainder will be put into an Appendix and sent out to-morrow.*

SPAIN.

We have received the following letter from our Correspondent in Madrid:—

Madrid, 25th May, 1823.

On the 16th instant, Count Abisbal, who had been at Segovia quelling some disturbances and raising money from the inhabitants, re-

turned to this city, and on the 17th published his famous letter in answer to one from the Count Montijo, dated the 11th: the latter was handed about in manuscript, and Abisbal's was restricted to five hundred printed copies, so that the circulation was confined among a few, and those of a certain class. I have thought proper to envelope the same, they being now printed together. The purposed or avowed object appears to have been to detain the French, and to bring back the King to Madrid, to form a new Government—an opportunity endeavoured to be seized by the Aristocracy to interpose itself and obtain a share in the Government of the country. There are some who say it was a scheme of the Ministry and some of the Deputies of the Cortes, who, seeing the end of the Constitution fast approaching, thought by indirect means to save what was possible; that a Second Chamber was preferable to the King's return to his former absolute sway; that Martinez de la Rosa was the man pitched upon to mature it here, and that the letters are of his writing. Montijo passed it about to the Nobles here, and Abisbal his to the principal officers and those who were known to have received the others—both failed, however, of the intended effect. The Civilians, on the nearer approach of the French, would be contended with nothing short of the former state of things,—the officers took fire—they had many of them received too severe a lesson in the Isla to confide in Abisbal, and only saw in it a new plot to compromise them; they consulted together, and on the morning of the 18th waited on him in a body. They represented to him their surprise at this conduct; his private opinion he had a right to—it might be correct, and, communicated to one or two private friends, would have done no harm, but to extend it at this critical moment was only for the purpose of creating division among them, &c. The arguments of Abisbal availed nothing—they could not believe him sincere in stating it to be for their interest and the good of the country. They were afraid of him: violent language ensued. He was called a traitor, and desired to give up the command. The preceding night, from what he observed of them, he had been suspicious, and sent in late his resignation, desiring the Marquis Castelldosrius, the second in command, to take charge of it. So that when it was requested, he told them cooly it was already done, and that Castelldosrius was in possession.—They then retired. At noon Abisbal sent for his passport for Seville, alleging that there it was that he would justify himself. It was sent to him, with the offer of any escort he pleased. This he declined. At three he ordered dinner, and leaving the room on some pretext, never returned. It is supposed he went out at a private back door, and is secreted in Madrid.

Gen. Zayas, who returned on the Friday from his mission to Avilla, on account of the French, left again on the 18th, with a flag of truce for Buitrago, the head-quarters of the Duke d'Angouleme, for the purpose of making a convention for the evacuation of Madrid by the Constitutionalists and the entrance of the French. He returned on Tuesday morning with the advice that the Duke would enter Madrid on the 24th. On the previous day, it being reported the French were in Alcala, and were advancing, vast numbers,—I dare say 20,000,—went outside the gate of Alcala expecting to meet them. For two leagues the road was thronged with the town's people, many of whom exhibited white ribbands round their hats and their arms, or round their waists, and generally indulged in the cries of "Viva Fernando!" "Vivan los Bourbons!" "Vivan los Français!" "Vivera la Constitucion!" &c. &c. This passed off very quietly. The next day thousands again sallied out in expectation of the French; when about one in the day, Bessieres, with about thirty lancers, came to the gate, and some of his men advanced to the Custom-house. Zayas being informed of it, went out to meet Bessieres, and told him of the treaty entered into with the French, by which no factious were to enter in beforehand, and that if he did not withdraw instantly, he should compel him. I have forgot to say, that Castelldosrius with the principal force—say 7000 men, had left Madrid, and had placed himself on the Estremadure road, and Zayas remained with the rest, about 1200 men, to do garrison duty, preserve order, &c. Bessieres, it appears, did not like Zayas's language, and told him he won'd try which was strongest; but about 100 cavalry soon made him quit his ground, and he was pursued for above a league, losing a few men: the infantry, about 500, with one piece of artillery, had followed, and as the crowds on the road much impeded them, they fired on them, and the cavalry returning from the pursuit, either mistaking them for factious, or to glut their vengeance for showing proofs of royalism, galloped over them, cutting about in all directions—about 500 men, women, and children have been killed and wounded, and about a thousand were brought in as prisoners. A courier was despatched to the French, and the next day several officers came in to make arrangements for quarters, rations, &c. and it was agreed that they should enter one day sooner. The 22d all was quiet. On the 23d, at five in the morning, a division of about 4000 French arrived, Zayas and his troops having previously retired. As soon as it was known the people assembled, relieved from the fear they had been in, and immediately began to pull down the Lapida of the Constitution, in the great square, replacing it with the King's picture. This might be about six o'clock: the Lapida was broke into a hundred thousand pieces. From this they went to the Cortes, broke the doors open, broke the chandeliers, the chairs, benches, figures, and statues—others on the outside were busy in defacing the statues in the niches and windows. From the library they took all the records, acts, and diaries of the Cortes, tore them up, and then threw them into a large bonfire made for the purpose. By ten o'clock all the balconies in the obscure as well as principal streets were hung with tapestry and silks; the King's picture was placed in all the public buildings; the crowds increased in all directions; the houses of many of the citizens who had been violent Constitutionalists, more especially in the distant and out-quarters, were attacked, entered, and their furniture and property brought out and destroyed. At twelve at noon the book of the Constitution and Riego's picture were burnt in the Plaza Mayor by the common hangman. More troops arriving, all the posts were covered, sentries placed in every direction, and a stop put to further excesses. The old authorities were displaced, and new ones appointed. Proclamations were issued. Two in particular of importance: the one by which no persons who have served the late Government, or have been militiamen, should be eligible to employments: the other, that the acts of the late pretended Cortes would not be recognised, and that things will be placed on the same footing as before, as if that had never existed. These were signed by the Provisional Junta, Erro, Eguia, and Calderon.

In the evening there was a very general and brilliant illumination. The expression of joy was such as I had never before witnessed in Madrid—the arrival of equipages, artillery, ammunition, cavalry, and infantry, during the day was incessant—the *vivas* accompanying them, to the French, the Bourbons, the King, &c. &c. with *Viva la Constitucion* were constantly heard, but I must say the absence of respectable people was remarkable;—the Court and employed being away, is always felt in Madrid, but independent of this it was more vacant then ever. The reason is, that as excesses in revenge were inflicted, every body that could had left for a few days for the neighbouring villages, and others remained shut up.

Yesterday, at nine, the Duke d'Angouleme entered the gate of the Recoletos, down the Prado, passing through a triumphal arch, and through an immense concourse of people and the troops, to the house of the Duke de Villahenucasa, at the end of the saloon of the Prado, opposite to the Duke de Medinaceli's, where he has taken up his residence. The Duke de Reggio alighted in front. In the course of the day came in Bessieres, Quesada, and Cisneras—the latter is now Comandante of Madrid. After the troops had defiled before the Duke, and the municipality had paid their respects, an order was issued, re-establishing the Councils of Castile and the Indies, and six of the old Councillors of each were chosen to form a Committee, for the purpose of electing a Regency to act on, and in behalf of the King during his captivity. During the day, the same bustle as before, with the passing of troops, baggage, and ammunition. In the two days it is calculated, and known, that but little short of 40,000 men have come in and round Madrid; 5,000 horse are in the Prado; 10,000 infantry have passed on to Aranjuez and Toledo. The same exterior demonstrations of content, bells ringing, groups of females dancing to the tambour and castanets, illuminations, &c. Palayo and Batanero, with a party of factious, who had been taken prisoners, and were being conducted to Estremadura, made their escape, and came in in the evening to the amount of 300. To-day, the Councillors have elected for the Regency the Duke del Infantado, President; the Duke de Montanan, the Bishop of Osuna, Baron Eroles and Eguia. It has been ordered that all the Secretaries who have been dismissed by the Constitutional Government, shall be reinstated in the same situations they held before. The Duke d'Angouleme has told the Spaniards that he has 80,000 men to send into Andalusia, to fetch the King; the Spanish guards, 360 in number, who came in with the French, are to have the honour likewise of escorting him. If any one had entertained the idea that the Spaniards would resist, it must have vanished when he saw the French troops, and their equipments; the cavalry officers, however, were in borrowed feathers, for all their horses were English. Not a Spanish regiment of the Constitutionalists will stand to receive a shot; and the

French say they will have to return with the cartridges they had brought with them. It is expected the Regency will to-morrow name the Ministry. The Provisional Junta, of course, is now dissolved. At Seville they go on as if the French had not left their own country. A French fleet of nine or ten sail is off San Lucar and Cadiz. Lopez Banos, the late Minister of War, has been erased from the list of Generals. He was ordered to take the command at Valencia; he refused. The order was repeated a second and third time, and also refused,—the first time probably that authority has attempted to make itself respected.

This afternoon the Duke d'Angouleme drove down the Prado, and received repeated cheers. The walk has been much crowded by the French Officers, and all the beauty and fashion that remain in Madrid. The illuminations continue, with all the other marks of joy, among the lower classes.

The Morning Herald, June 10.

SOUTH AMERICA.

Letters were yesterday received from Buenos Ayres, dated February 1, which mention that advices had been received from Chili to the 10th January. Nothing decisive at the time had taken place between FREIRE and O'HIGGINS, and it was feared that very extensive disputes would ensue, in which the people would warmly participate. The Coquimbians had declared in favour of FREIRE, and demanded a change of Government.—FREIRE had not advanced beyond the river Maule (about 200 miles from Santiago), and had published a declaration that he would not, under any circumstances, accept the chief command in the State: that his only object in arming, was to procure that free constitution which had been so long promised, and for which the people were so clamourous. Public opinion had obliged the Minister of France, RODRIGUES, to quit his place, and it was thought, that he and his friend ARCOS, the merchant were about to embark for France. It was hoped, after this sacrifice, that O'HIGGINS would make up matters with FREIRE, and regain his popularity, so as to avoid the effusion of blood. Lord COCHRANE bids adieu to Chili, and was to sail for Rio Janeiro on the 11th of January, in the Colonel Allen. He takes with him the best of his officers. The new Emperor of the BRAZILS long ago invited him to take the command of the Brazilian squadron, and he had accepted the offer. COCHRANE had published an Address to the Chilians, in which he tells them that he leaves them for a time, to avoid being implicated in their internal disputes, recommending union to them, as the best means to preserve that independence he had contributed to obtain. In Montevideo nothing has occurred.

The Morning Chronicle. May 2.

LORD HOLLAND'S PROTEST.

After the debate and division in the House of Lords on Thursday last, several Peers who had voted in the minority signed a *dissentient*, and Lord Holland entered the following Protest to the rejection of Lord Ellenborough's motion:—

1st. Because it appears that we have been baffled in all our endeavours, deceived by some and disregarded by other of our Allies, and that the influence of Great Britain on the Continent has declined to a degree inconsistent with the vaunted ascendancy of our Councils at the general pacification of Europe, as well as humiliating to the feelings and injurious to the interests of the country.

2dly. Because the failure of our endeavours to prevent a continental war, is to be traced to error in judgment and want of firmness in the negotiation. Those objections to the designs of France, which a friendly anxiety for the independence of Portugal should have suggested, which a due regard for our own welfare and even safety should have excited, were either studiously concealed or pusillanimously softened down during the whole discussion. Our negotiators were tender to the aggressore, distant, cold, and even unjust to the aggriever, feeble in their remonstrances against the inquiry, earnest in their representations of the expediency and danger of the meditated war, as if the honour of the house of Bourbon, the prosperity of France, were the exclusive objects of an English ministers solicitude; and the balance of power, the protection of allies, and even the interests of Great Britain herself, were but secondary considerations.

3dly. Because it was inconsistent with our professed disapprobation of interference, derogatory to the character of impartial mediators, and unfriendly to Spain, to suggest any alteration in her internal goverment, with a view of allaying the fears or saving the honour of France. Moreover, those suggestions, highly objectionable in principle, held out no certain prospect of advantage to Spain. It does not appear that we were ever authorized to assure her, that on the adoption of the modifications we recommended, France would desist from further demands, and disband the army on her frontiers: on the other hand, we were not prepared to inter ieto any engagements for the protection of Spain, if her consent to the alterations in her constitution so suggested by us had proved insufficient to avert the hostility of France.

4thly. Because if Spain had been inclined to adopt the suggested modifications, as improvements, in her constitution, and could she have done so with honour after the menacing language and conduct of foreign Powers on that subject, yet it was notorious that other and serious obstacles stood in the way of any such adjustment. Her laws forbade any proposal of innovation on the constitution of 1812 for a period of time which has not yet elapsed; and the members of her Government had taken an oath to abide by that injunction. Prudence, therefore, as well as religion and principle, deterred them from complying with our ill-timed and officious advice. A Government engaged in the great work of restoring and consolidating the ancient liberties of its people could not violate a recent and fundamental law, without staking the confidence of mankind in the stability of its institutions, and without furnishing, at a moment of much irritation and some civil disturbances, new grounds for distrust and suspicion, and fresh motives for division and disunion.

5thly. Because a firm determination on the part of his Majesty's Government to resist all hostile aggression against Spain, and an early and manly avowal of such determination, would, in all probability, have counteracted that odious defiance of public law which a great Northern Power is so forward to profess, and so anxious to inculcate, and might have diverted the French King from those iniquitous and ambitious projects which the course pursued by our Ministers has not prevailed upon him to abandon.

6thly and lastly. Because the neutrality of England during a contest between France and Spain must be extremely precarious. Should France prove successful, events would ensue which would either involve us in immediate hostilities, or materially impair the sources of our prosperity in peace. The revival of the family compact; the exclusion of our commerce from all the possessions of both the branches of the House of Bourbon; the exposure of Portugal to menace, invasion, and subjugation; the expedition of combined armaments for the recovery of South America, and the military ascendancy of France, on those very coasts from which the most vulnerable parts of our empire are accessible.

On the other hand, should Spain, by the nature of the war, be provoked to commit acts of violence and outrage within her own territories, and to engage in a species of warfare fully authorized by the law of self-preservation, but peculiarly obnoxious at this moment to the other Powers of the continent—viz. the encouragement of insurrections & revolution in France—we are not so blind to the lessons of experience, as not to apprehend that compassion for individuals, and participation in the fears of other states, may again, in spite of our intended neutrality, involve us (as it has done before) in an extensive war of opinion, alike repugnant to the principles, of our constitutional government and to every maxim of ancient English policy.

Even if those dangers be avoided, a protracted warfare between two maritime powers, possessing such an extent of coast as France and Spain, will expose our merchants to innumerable vexations and injuries, which in all probability must sooner or later embroil us with one of the belligerents.

The Times, April 28.

LAW INTELLIGENCE.

COURT OF COMMON PLEAS, MAY 7.

CANNON V. MEABURN.

This was an action brought against the defendant, as owner of the Lady Banks, to recover the sum of 7,000l. being the value of 140 chests of indigo, confided to the defendant to be by him conveyed from Calcutta to London. The goods were shipped on board the Lady Banks at Calcutta, and the vessel sailed from that place in safety: the weather subsequently became boisterous, and a gale arose which caused her to spring a leack, and she was ran into Trincomalee for the purpose of repearing. The costs of repairs amounted to 1,000l. to defray which part of the cargo was sold. The vessel then sailed from Trincomalee, and encountered such heavy gales that she was in a sinking state, and obliged to put into the Mauritius, where the ship was libelled in the Admiralty Court, a survey was taken, and it was ascertained that the expence would amount to 30,000 dollars, which induced the captain to sell the cargo and put an end to the voyage. At the trial, a witness of the name of Manning was called, who stated that the had advised the captain of the Lady Banks to ship his cargo on board another vessel, and had offered his own vessel for that purpose; it then being at the Mauritius as a general seeking ship. Before he left the island

the Lady Banks was completely repaired, and made sea-worthy. The question left to the Jury were, first, whether the ship could have been repaired and have proceeded on her voyage: and secondly, whether the captain ought (if unable to repair his own ship) to have transhipped the goods in order to convey them to England? The Jury thought the master might either have repaired his own vessel, or have transhipped the goods, and accordingly they returned a verdict for the plaintiff.

Mr. Serjeant VAUGHAN, on a former day, obtained a rule to shew cause why this verdict should not be set aside, a new trial granted.

Mr. Serjeant LENS and Mr. Serjeant TADDY shewed cause, contending that this was clearly not a case of necessity, and it had been laid down by Lord Stowell, and recognized by the Judges' "that nothing but an instant, unforeseen, and unprovided for necessity could justify the Master in selling the cargo."

Mr. Serjeant VAUGHAN replied, contending that the Master had the power of exercising a discretion as to the transhipment of the goods, and that their discretion was to be directed by the urgency of the particular case.

The COURT were unanimously of opinion that the Master was bound to convey the goods to their final destination, if he possessed the power of doing so. In this case, therefore, the Master was not justified in selling the goods, but should have either repaired the ship, or have transhipped the goods. The verdict given for the plaintiff was perfectly right, as the owners were liable for the act of the Master, as their agent, and the rule for a new trial must, therefore, be discharged.

The Morning Chronicle, May 8.

BOW-STREET.

THE TAILORS.—It is really suprising that the *tailors*, a race of beings who, time out of mind, have been proverbially meek, mild, and long-suffering, should all at once became the most domineering and pugnacious hipeds in existence. Nevertheless such is the fact—as the watch-house-books, and other official documents of the last six months can abundantly testify. The remark, however, applied only to the *operative*, or journey-*men* tailors, as they call themselves; for as to the *master* tailors they are for any thing we know to the contrary, quite as unpugnacious as ever; and that they are equally *long-suffering* in one sense of the phrase, at least), many, if not all of them can doubtless give *ledger* proof.

A pair of the *operative* class were brought before the Magistrate, yesterday, for "*cheating* and *beating* a hackney coachman! Their names we understood to be Timothy Bolt and Thomas Briggs; both of them were exquisitely togged.—Prussian vest, cossack inexpressibles, and all that sort of thing—very stylish, but scanty withal; marvellously dingy cravaterry; hair *a-la-Titus*, matted with *roundy-ken* straws. Bolt, bumbletoed, but very perpendicular.

It appeared by the statement of *coachee* (a tall fellow) that as he was with his *charrot* on the stand, at Kensington, between eleven and twelve o'clock on the preceding night, he was hailed by Briggs, with a "Hallo! coachee, pull up here, and be hanged t'ye! Coachee pulled up to the pavement, but not getting off his box so quickly as he might have done, Briggs boxed his ears. However, he did not much mind this, "seeing as how the gen men was *drunkish*," and he civilly asked him what he wanted. "I vants to go to Temple Bar, *stoopid*," replied Briggs. "Why, aye; you'll go *stoopid* enough, go where you will, for the matter o'that," replied coachee, and then Briggs boxed his ears again. "Come, don't lets ha' so much of that ere nauusense," said coachee; "if you means to go, why jump in and come along; and if you means to staup where you are, why staup; but don't you be arter coming that ere rig upon my ear agen, coz I shaunt stand it." To this very just remonstrance Briggs replied by stating that he and a brother chip (brother *shiver* he should have said), did in fact want to be driven to Temple-bar; but, as they had only *two shillings*, about them, they wished to know the expense. Coachee told him the expence would be three shillings or three and sixpence at least, besides the gate; and as Briggs could not muster so much he drew his coach on to the stand again, and Briggs went away. By and by Bolt comes out of a house just by with a "Hallo! you coachee! draw up here." "Be you the gemman what punched me about the head a bit ago?" asked coachee." "Punch be hang'd!" replied Bolt; "pull up here instantly, you vipeordy jarvey, or I'll pull you up somewhere as you vont much like." Honest coachee pulled up as he was directed. By the time he had done so, Briggs made his appearance again; and he and Bolt having both got into the chariot, they told him to drive to Temple-bar as if the d—l kicked him! He drove them to Temple-bar; and there they showed that they had designed to cheat him; for they were no sooner safe out of the chariot than "Here are your two *bob*," said Briggs, "and we'll see you at the d—l before we'll give you more," at the same time offering him their simple two shillings. Coachee told them his demand was three shillings and threepence—three shillings his fare, and threepence he paid at Hyde Park-gate. "There!" said Bolt to Briggs, "I told you we should be in a mess." "Never mind," replied Briggs, in a loud whisper, "never mind, if he makes any bother, I'll pitch into him!" Coachee did "make a brother"—he told them plainly he "wouldn't stand no nonsense;" upon which Briggs "pitch'd into him;" that is he ran his head like a battering-ram against coachee's breadbasket; but coachee was awake, and it did not answer. Briggs then bolted; but Bolt's humble toes wouldn't let him follow his example; coachee roared loudly for the watch, rattles resounded on all sides and eventually Briggs and Bolt were both safely bolted down in St. Clement's watch-house.

In their defence they pleaded, firstly, a wedding; secondly, an excess of pork-chops, gin, and mustard; thirdly, an inability to walk, which made them anxious to ride; fourthly, and lastly, the *two shillings* was all they had in the world.

The Magistrate, having first observed that they were a couple of arrantknaves, ordered them to pay, firstly, 3s. 3d. for their fare and the turnpike; secondly, 2s. for the coachman's time in attending to make his charge; and thirdly, 2s. for their discharge fees—in all, seven shillings and three-pence.

"Have you any money?" said Bolt to Briggs. "No; haven't you any?" said Briggs to Bolt. "No."—"Then lock them up until they have," said the Magistrate; and they were locked up accordingly.

Before they were removed from the office, however, his Wordship asked the coachman whether he intended to indict them for the assault, because in that case he should call upon them to find *bail* as well as the money. To which honest coachee—after a moment's reflection—replied, "Why no, your Honour; they be but two drunked tailors after all, it seems, and I don't want to hurt the poor creturs."

The Morning Herald.

LETTER FROM PARIS.

Pamphlet by Louis XVIII.

Paris, April 2, 1823.

The great literay curiosity of the week is a *small* pamphlet entitled *Relation d'un Voyage à Bruxelles et à Coblentz.* It is, however, *royal game* that the critics pursue, and all the party world joins the chace. The story of this *Voyage* is the history of the successful flight of *his present Majesty of France*, at the period of his unfortunate brother's fatal arrest at Varennes; and the history purports to be written by the fugitive himself. How it comes now to appear from the press, is in part a mystery; but it is supposed, either that the expressions of gratitude it contains have not been fulfilled to the satisfaction of all parties, or that having fallen into the hands of some persons who are displeased with the warlike policy of his Majesty, they have taken revenge by publishing a morsel from the royal pen, which they thought would have a tendency to excite the ridicule and the disapprobation of the French. In fact, in whatever motive the publication has originated, the effect is certain and unfavourable. The *critiques* it excites may be ranged under the heads Literary, Moral, Political. 1st, Literary. His Majesty, it is well known, has certain pretensions to the title of *homme d'esprit, literateur*, &c. and of course the eager eyes of the *écrivains* have examined these pages; and in the present prevailing temper of those who press most forward into public, the general movement is the Gallic shrug of the shoulders. Affectation, bad French, false grammar, vulgarity—*voilà! les qualités* of which every writer among the Liberaux has found some specimens or other. The examples quoted are too numerous to send you; and some contend that in this respect the author ought not to be too severely judged, and ascribe the whole list of errors, faults, &c. &c. to some of the secretaries, or others employed as amanuenses.

2d, *Morale.* In this respect they point out a certain egotism, that was neither disturbed by he dangers to which the King and Queen, nor even his own wife, were exposed; in fact there is a total omission of the measures adopted for securing the safe and comfortable departure of *Madame*—she was sent off alone. On the contrary, Louis XVI. and Marie Antoinette shared the same destiny. The first incident related, too, after the departure, is the singing of a parody, "*Toutes nos idées tournaient du coté de la gaieté*;" and before the Royal fugitive, and his companion D'Avaray, to whom the work is dedicated, reached the Pont Neuf, they were merry enough to sing "*Ce va bien ça prend bien, ils ne se doutent de rien.*" Many jests are also made on an imputed over-attention to eating and drinking at every stage, in order to bring the King into contempt.

Thus, for instance, the arrival safe at Mons gives rise to a long account of the *bons vins*, &c. &c.; disappointment of finding accommodations, &c. &c. At length, "Cette seconde mésaventure commençait tout de bon à nous attrister, lorsqu'une voix fit entendre ces mots: *Monsieur D'Avaray!*" they then found Madame *Balbi*, not the wife of his Majesty, in the house, and got access. "*Madame Balbi s'occupa de nous faire donner à souper. Celui de l'auberge ne valait rien de tout—heureusement elle avait un poulet froid et une bouteille de vin de Bordeaux; et nous mangeâmes—ensuite elle eut la bonté de me céder un lit—D'Avaray prit celui de sa femme de chambre.*" Where or with whom the ladies slept, the gallant historian does not tell the world.

The arrival at Namur is signalized in the same style: "*Nous arrivames à Namur extrêmement tard, mourant de faim. Je crois que le souper à l'hôtel d' Hollande ne valait rien, mais nous le trouvâmes excellent. Nous trouvâmes du vin du Rhin qui etait bon, et nous ne laissâmes pas que d'en boire. Tout cela fait que, de ma vie, je n'ai peut être fait un souper ni meilleur ni plus gai.*"

3d. As to the political effect, it is endeavoured to be pointed for party purposes: first, because the writer gives himself as the principal editor of the paper left by the King on his flight; and the most violent parts, and those which best served the cause of the dreadful Jacobins, were penned by the brother of the King. The tearing the cockade from his hat at Mons, and calling it *maudite* though he was the first to adopt it, and to recommend Louis XVI. to do so, and to put himself at the head of the revolution; the mockery of the municipal institutions, called *sacrés pouilleux*, and of the national guard; with the contemptuously speaking of an officer as "*un marchand de vinaigre*,"—all these things are dwelt upon, and every effort employed to make them and the Royal writer unpopular.

Literary Gazette, April 12.

GREENWICH HOSPITAL.

"I SAY he was a Tartar," said an old Pensioner, turning round the quadrangle of the building—"I say he was a Tartar."—"Then you're mistaken, Harry; he was a lad who did his duty, and saw that every one did theirs."—"I allow that he was strict, but always a sailor's friend," replied his companion. "Aye, aye, tarring a rope's-end, or rope's-ending a tar, 'twas all the same to him; his cats were often fed, Tom."—"That's poor wit, Harry; I sailed with him, Captain and Admiral, some years, and ought to know a little about him."—"Well, well, messmate, let's hear;—there's old James has just dowsed his coach whip (pendant,) and gone out of commission; and Keith has got a lift over the standing part of the fore-sheet. I've sailed with 'em both, but I'll not *say more* till you've told me of *Seymore*."—"Why then, d'ye see, where could there be a stronger attachment shown to our officers than when we arrived at Spithead during the Mutiny? Ah, Harry, you old cartridge! you was then in that rebel ship the *Triumph*—but howsomever I won't blow you up. You must know Lieutenant Q——was commanding officer when the delegates came on board. 'Well, my men,' says he, 'what do you want here?'—'We want to speak to the ship's company, Sir,' said the foremost. 'Oh certainly,' replied the Lieutenant. 'Here, Boatswains' Mate; pass the word, and walk forward my men. Well, Harry, you old rogue, didn't we all muster on the forecastle, and listen to their lingo?—aye, that we did. And says our spokesman, says he, 'Mayhap, gemmen, you have had bad treatment, and are dissatisfied with your officers?'—'Yes, yes,' said the leader, 'you're right.'—'Then all we have to say is,' said our spokesman, 'that we are not. We like our ship, like our Captain, like our Officers, and like one another—and so, gemmen, good day.' There was reasoning for you, you old swab. Ah, Harry, you ought to have been taken in *tow* for a mutineer;—and now I'm in the line, I'll tell you more. D' ye see every order was exposed publicly for the ship's company to read, so that every man fore and aft knew what he had to do. This was his plan: 'Do your duty, and no one shall wrong you; neglect it, and I'll punish.' Among other orders, there was one, that no man should sing out, either in pulling a rope, or any other duty, but all were to be silent as death. One day we were mooring ship when some one sung out, at the captan, 'Hurrah, my boys! heave!' The captain heard it—'Send that man on deck directly. The Officer immediately pick'd him out, and he was ordered aft under the sentry's charge. As soon as the ship was moored, the hands were turned up for punishment. Well, up we goes, and there stood the Captain with the Articles of War in his hand—by the bye I don't think he was a Lord then. Howsomever there he stood, and the Officers around him in their cocked hats and swords. The gratings were lashed to the larboard gangway, the Quarter Masters ready with their foxes, and the Boatswain's Mates with the cats. 'Come here, my man,' said the Captain. 'Was it not my orders that there should be silence fore and aft?'—'Yes, Sir.'—'And why did you disobey?'—'It warn't me, Sir; I never opened my lips.'—'Are you sure this was the man that sung out at the capstan?' said the Captain, turning to the Officer. 'Yes, Sir, confident; I removed him instantly from the bar.'—'Indeed, Sir. Mr. —— is mistaken—I never spoke.'—'Are you certain, Mr. ——?'—'Yes, Sir, quite certain.'—'Strip, then.' It was complied with. The poor fellow was seized up—hats off—the article for disobedience of orders read—and 'Boatswain's Mate, give him two dozen,' was heard. The tails of the cat were clear'd, the arm was lifted up, and the blow just falling, when a man rush'd from amongst us, caught the uplifted arm, and call'd out, 'Avast! avast! d—me it was I that sung out at the capstan!' and in an instant his shirt was over his head, and his back bare. 'Stop,' said the Captain. 'Come here, my lad. Why didn't you come forward before?'—'Because, Sir, I was in hopes you would have taken my messmate's word, for he never tells a lie, axing your pardon; but when I saw him likely to suffer for me, no, by ——, I couldn't stand that.'—And did he know it was you?'—'Yes, your honour, he knew it well; I was alongside of him at the bar—but he scorn'd to flinch.'—'Cast him off, and pipe down,' said the Captain. But Oh, Harry, if you had seen the two bare-backed dogs stand and look at each other for more than a minute, without moving, and then walk off together—but I can't describe it, though I've got it all in my heart as strong now as I had then."

"And what became of the Officer?"

"Why, the Captain slued round to him, and- - -"

Here they again turned the quadrangle; all was hush'd, and I sought my pillow.

AN OLD SAILOR.

The London Literary Gaz. April 19.

Poetry.

TO "MY MOTHER'S" CHILD.

'Tis true! the tree, whose tendril arms incline,
As bending meek to give a warm embrace
To their lov'd Parent, doth forth shadow well
That Image of unearthly loveliness,
Which, ever and anon, in life's strange dream,
Uncertain flits, in dimness, tho distinct;
And now is present, lighting up with joy,
The sphere, in which, all innocence, it moves.
As, if 'twere sent us, from Heav'n's bright mansion,
A beauteous thing, for Eyes to gaze upon!
But is this true? Is the stem, which graceful,
Bends to Earth (as it were in modesty,
Ere with luxuriance it upwards shoots)
Fore doomed for aye, to cling with fond embrace,
To the doting parent of all Being?
Ah! sure the fiat of a fate so drear
The bounteous hand of Providence ne'er sealed.
For see! Thro' all her works how Nature's Laws
Assert her ancient fair prerogative.
The sweet nurse receives with thankful warmth,
The pressure given by her fondling's lips;
But still unwilling that her ardent love,
Should check the tendril in its early glow,
A fostering vigour, thro' its veins instills,
And sends it upward, implent with every grace,
There to hang in leafy clusters graceful,
And intertwine with sweet fraternal love,
Its shadowy boughs among. There, as oft
As thro' its grove, the breathing—incense morn
Brings the young playful Zephyr to disport,
As, making for her ear, sweet melody:
The wild vibration of the plaintive tone,
Responsive to the heart's chord, echers sad.
Yet is it not unlovely; its dying cadence,
Enriches the calm air that plays around,
And to the lonely wanderer of the glen,
Bears comfort, as to soothe the bosom's pain.
And shall it not be thus with thee? Fancy's
Fond enthusiast! Shall all thy sweetness
Be wasted unendowed in desert air?
Are Friends then *flattering*? Is there not *one*,
Who to console thy grief, to heave the sigh
Of tender sympathy, if need there were,
For thy dear sake, would shed his heart's best blood,
And gladly antedate life's fitful close,
As, when wakening memory, fraught with woe,
Strikes the deep plaintive note, for *one* gone by,
Pity's soft tear is seen to glisten bright,
And cast around, a consecrated glow.
Trust me, I mean not, or to doubt thy love,
Or bid thee, like the false, drown all regret,
No! let me thus thy doubt dispel; For oh!
To me 'twould be on earth, the sweetest lot,
To mourn with thee, o'er sorrow's blighted page,
In contrast to the world's chill hollowness.
That loss, which, oh! how deeply thou must feel!
For if we weep with grief, so keen and strong,
Her, whom we view'd a far, or lov'd unknown,
What must thou feel, thou partner of her soul!
Thou only one, whose smile above all other's
Could rive keen Sorrow's pang from her lone breast,
Could rob affliction's page, of all its Sting,
And make e'en life, a blessed state of rest.

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ADVERTISEMENTS, ESSAYS, POETICAL PIECES, ARTICLES OF INTELLIGENCE, &C. &C. WILL BE THANKFULLY RECEIVED.
Gentlemen about to change their station are requested to give notice to the PRINTER, *who will pay due attention to their orders.*

Appendix to the Bombay Gazette.

WEDNESDAY, OCTOBER 15, 1823.

(*Continued from the Page 732.*)

in their favour in opposing (if they had opposed) the acts of the despots who sat at Verona, and who attempted to seal the destinies of Europe [hear, hear, hear!]. But they had not done so; it was, however, some consolation to find that neither the Honourable Mover of the Amendment, nor his Honourable Supporter, had ventured to say that England dared not to make use of the language of reproof and remonstrance at the Congress of Verona [cheers]. Fortunately the Honorable Members had held no such language, indeed their observations were generaly such as he might have expected from his own side of the House, were it not that by some perverse accident, they arrived at conclusions totally unconnected with their premises [hear! and laughter]. With this trifling exception both the Honourable Members had spoken boldly out as Englishmen ought to do. The Honourable Memberfor the City of London (Mr. T. Wilson) had, it was true, complained of the strong and irritating language (as he designated it) used by the Honourable Member who made the motion. Now he (Mr. Hobhouse) would be glad to hear any expression more strong, more pointed, more efficacious or more full of indignation, than the term "execration," used by the Honourable Member in condemning the invasion of Spain by France [cheers]? For his part he could say, that neither himself nor his Friends wished to make use of any stronger or more expressive language; and he could assure the House, that if the Honourable Member would only follow up this language by a corespondent vote, the City of London could not have a fitter Representative of its feelings and its interests [hear, hear! and a laugh!] The Honourable Member (Mr. T. Wilson) said he felt confident that he expressed the opinions of the majority of his constituents, in stating that he was fully satisfied with the conduct of his Majesty's Ministers.

Mr. T. Wilson (across the table, I said a large proportion of my constituents.

Mr. HOBHOUSE proceeded. He begged pardon if he had mistaken the Honourable Member. He could, however, state that he (Mr. Hobhouse) represented a much larger portion of the Metropolis than the Honourable Member, and he was convinced, that notwithstanding the exertions which Constituents had made during the late expensive and protracted war, notwithstanding the heavy burdens which they were now bearing (not owing to any faults of their own, but to those of others, over whose actions they had no controul), still he could venture to say, that when the liberty of Europe were menaced—when the honour of England was attacked—when security of all independent States was menaced, those Constituents would be the first to come forward in support of the character and interests of the country, and in defence of the liberties and independence of Europe [hear!] He did not wish to be misunderstood upon this point: he did not mean to say that his constituents were ready to support any ministerial war which might be entered into for the purpose of obtaining this or that province—for the purpose of obtaing the navigation of the scheldt—or, in order to recover this or that Swiss Canton—but he did mean to say that, in the event of any war against the Tyrant Kings of Europe, the people would undoubtedly go hand in hand with Ministers in support of such a war. These were his sentiments, and, he believed, those of his constituents also. But, had he the misfortune to differ from his constituents, still he should say that he was proud of entertaining such sentiments, and that sooner than relinquish them, he would at once—(proud as he was of the honour it conferred upon him)—at once resign his seat in that House [hear, hear, hear!]. —He had to complain, among other things, that the Honourable Member who moved the Amendment had, in the course of his speech, greatly misrepresented the language used by the Spanish Minister (San Miguel). That Minister had, on the contrary, clearly pointed out to our Government a widely different course, observing that by doing so they would adopt a course worthy of them and worthy of the great nation over whose councils they presided [hear, hear]. M. San Miguel in his note stated as follows:—"The Government of his Majesty has received with gratitude, but not without surprise, the verbal communication purporting that the Cabinet of his Britannic Majesty, respecting the independence and the political institutionsadopted by the (Spanish) nation is determined not to interfere in your domeitic affairs."—"Nothing else could be expected from the Government of a nation which, like the British, knows its rights, and the primordial principles of public law, and it is only to be wondered at, that it should not think it expedient to give to a declaration of such obvious justice the solemnity which it deserves" hear, hear!] Now he at once objected to the course of argument pursued by the Honourable Member (Mr. S. Wortley), and he founded his objection upon the following passage in M. San Miguel's correspondence: "The ties of intimate regard, the principles of mutual convenience, and the analogy of the respective Institutions which exist in Spain and in England: do they not positively entitle the former, overwhelmed wilh difficulties, to expect from the latter, whose political influence is of the greatest weight, something more than simple justice; something more than a passive respect for universal laws; than a cold and insensible neutrality?" [hear, hear!] Here certainly was no disguise, no ambiguity; they saw a gallant nation avowing the difficulties in which she was placed, candidly admitting the situation in which she was placed, and stating at the same time, that under such circumstances she expected from us "something more than simple and abstract justice—something more than a passive respect for universal laws, than a cold and insensible neutrality" [hear hear!] M. San Miguel went on to shew that we had done nothing more than pronounce an hypothetical theory; that while we offered our interference, we, in fact, did nothing to prevent the mischief we apprehended. For he went on to say—"And if some tender interest, such as befits two nations in similar circumstances, exists in the Court of London, how is it that it does not manifest itself in visible acts of friendly interposition to save its ally from evils in which humanity, wisdom, and even cautious and prudent state policy will sympathise? Or how is it that (if these benevolent acts exist) they are not communicated to the Cabinet of his Catholic Majesty?" Where, now were the arguments of the Honourable Member for the county of York? Why one would hardly imagine that they had both alluded to the same document. Here was a direct accusation against His Majesty's Ministers, couched in the very language of complaint used by himself and his Honourable Friends, and even his Honourable Friend (Mr. Macdonald), who introduced the motion, did nothing more than amplify that which had been expressed with so much pathos by the Spanish Minister, and which, whatever took place, would stamp indelible disgrace upon those Ministers who had neglected to follow that direct and honourable course which lay open to them [hear, hear, hear!] M. San Miguel, in asking, "if some tender interest exists," &c. evidently doubted that there existed any such. Did any doubt now remain as to the existence of such tender interest? *De non apparentibuet de non existentibus eadem est ratio.* No such tender interest appeared, and therefore he was bound to conclude that no such existed [hear, hear!] He begged pardon for troubling the House with so many quotations from the papers, but he really felt them necessary to his argument. He hoped, so far as he had gone, he had not misquoted any of the documents (No, no;—hear, hear!) Well, then, she went on (loud laughter)- He knew not the ground for the laugh. He had used the term, she, as applied to Spain. Well, then, Spain, or her Ministers went on as follows:—"The acts to which I allude, would in no wise compromise the most strictly conceived system of neutrality. Good offices, counsels—the reflections of one friend in favour of another, do not place a nation in concert of attack or defence with another?—do not expose it to the enmity of the opposite party, even if they do not deserve its gratitude; they are not(in a word)effective aidp Troos, arms, subsidies, which augment the force of one of the contending parties. It is of reason only that we are speaking—and, it is with the pen of conciliation that a power situated like Great Britain, might support Spain, without exposing herself to take part in a war, which she may perhaps prevent, with general utility."

"England might act in this manner; being able, ought she so to act? and if she ought, has she acted so? In the wise, just, and generous views of the Government of St. James no other answer can exist than the affirmative. Why then does she not notify to Spain what has been done, and what it is proposed to do, in that mediatory sense (*en aquel sentido mediador*)? Are these the weighty inconveniencies which enjoin discretion, which shew the necessity of secrecy? They "do not appear to an ordinary penetration.

Now after having ventured to trouble the House with this extract, he would appeal to the candour of any Member, who possessed the powerof reading, whether the Hon. Member for Yorkshire had fairly quoted the documents in question, and whether the Government of Spain had acquiesced in and approved of the course pursued by our Government in this transaction? So far from it, that the very next paragraph distinctly pointed out what the whole matter hinged upon, and even the Honourable Member for the County of York himself would perceive what was the real state of the case. It was as follows:—

"Nevertheless, in such uncertainty of what she has to thank the British Ministry for, the Government of his Catholic Majesty thinks itself bound to manifest, in the face of the world, in order that it may regard it as its profession of faith, that while it respects the rights of others, it will never admit the least intervention in its internal concerns, nor execute an act which may compromise in the least the free exercise of national Sovereignty."

After this declation on the part of M. San Miguel, after it having been declared that Spain would not concede one jot which would have the effect of compromising the free exercise of the national Sovereignty, what did we do in order to prove that we coincided? Why we sent Lord Fitzroy Somerset to Spain with a Memorandum of the Duke of Wellington in his pocket. It was urgerd that what the Duke of Wellington had done for Spain, had given him a right to recommend what course it ought to pursue.

With respect to the documents sent forth by the Noble Duke, it was not his intention to carp at or find fault with them he would not assert. *Eodem animo scripsil quo debellavit.* All he would venture to say upon these papers was, that they were poor, very poor productions [hear, hear!]. Well, the Noble Duke was supposed to have a right to counsel

Spain. Did he give such counsel as was best calculated to preserve the national Sovereignty of Spain according to the Note of M. San Miguel? No. His Memorandum pointed out such concessions, that Spain, even if inclined to concede, could scarcely see what the Noble Duke meant. But if the services rendered by the Noble Duke to Spain gave him a right to counsel that Power, he, (Mr. Hobhouse) begged to ask, whether that Noble Duke had not also rendered great and signal services to France [cheers]? He should like to know whether what the Noble Duke had done in replacing an ungrateful family (for ungrateful he must call them) [hear, hear!] upon the throne of France, was not fully as much to be considered as any achievement of his in Spain? But he would ask, did the Duke of Wellington remonstrate with France [hear, hear!] He had carefully looked over all the papers, but he had been unable to find any such remonstrance on the part of his Grace. Oh, but he had remonstrated with Spain—aye, and that strongly too. He would read to the House what that remonstrance was. It was stated by his Grace that she (Spain) would entitle herself to the mediation of England —first, by redressing the grievances of which England complained with respect to her—and secondly, by an assurance that the King and Royal Family of Spain were safe from all violence. Now he would ask whether, when Spain had come gallantly forward and cried out, "help us, or we sink, this was a fitting and proper answer? Was that a proper time at which to turn round and say, "you must first redress our grievances —you next do so and so, and then we will tell you, not what we intend to do for you, but whether we will condescend to notice you at all?" The Right Hon. Secretary for foreign Affairs had told them on a former evening that he did not think it right to push our claims upon Spain just at the moment when she was embarrassed. This was very fair, but what then came of the words of the Duke of Wellington's Note? Those words had one plain and obvious meaning, or else they had no meaning at all. What, he would ask, had we to do with the King? [hear, from the Ministerial Benches.] An English Ministry now-a-days were ready enough to take part with Kings to the desertion of the people. But what, he repeated, had we to do with that cursed monarchical principle, founded and established as it now was by the depots of Europe [cries of hear, hear!]? Gentlemen might cheer, but he maintained it was a principle which ought to be put down; it was a principle which had undone almost all that we had done:—it was a principle which had almost made us forget that we were Englishmen!—it was a principle which had set to waste all that blood and treasure which we had expended in protecting the liberties, and procuring the peace of Europe [hear!]. He recollected when the military occupation of Naples was matter of discussion in that House, the Honourable Member (Mr. S. Wortley) was the first, and honourably the first to express his reprobation of a principle which he seemed now rather inclined to approve of. How could that Honourable Member expect that principle would cease to expand its operations while Spain afforded so fair a field for its exercise? It had certainly been said by the Right Honourable the Secretary for Foreign Affairs on a former evening, that at the Congress of Verona it was not at first expected that the affairs of Spain would form a prominent feature of discussion. But it should be recollected that in the Declaration of Troppau, it was stated that the Allied Powers looked at the revolutions of Spain, Portugal, and Naples, in the same point of view; it was further stated on their removal to Laybach, that the affairs of Naples were to be considered first. After the Declaration of the 12th of May, and after the military occupation of Naples, was it consistent to suppose that these Holy Allies would ever slumber or take their eyes off Spain, while a free constitution was to be found in that country [hear!]? For his own part he thought the Kings perfectly right; true, he abhorred their principles, but still he maintained that so long as Spain retained a free constitution, so long would it be impossible for these Holy Powers fully to establish their Alliances. On going to Verona it appeared that no man there expected the affairs of Spain to form a prominent subject of discussion; and yet what took place? A sudden movement of troops took place, some were sent across the Po, others in other directions, in order to facilitate their progress to their ulterior destination.—Every one knew that the questions to be dicussed at Verona were those of Greece and Spain, and there he was ready to do the Right Honourable Secretary for Foreign Affairs the credit of believing that he (Mr. Canning) was at the time unconscious of the real state of the case. It was painful to be obliged to prove a man a dupe, but it sometimes became necessary to do so, in order to vindicate him from charges of a more serious nature. Indeed the general rumour at Verona at that period was, that there was to be no war with Spain. So much so, that some certain Russian officers were heard to complain of having come from Tartary and from the borders of China, for nothing. Several German officers were also heard to complain that they had come from Prague and from other distant places, and that there was to be no war after all. It was only upon a wager being made at the *Salon des Etrangers* at Paris by a Corsican adventurer (for he could give him no other appellation), that the rumour of war became general. Upon that occasion M. Pozzo de Borgo made a bet that he would induce M. de Montmorency into a war. These were matters which were not so much connected with the Right Hon. Secretary as with the policy of his predecessor. He felt that in alluding to the conduct of that predecessor, he was treading on tender ground—*super cineres haduc calentes*. Willing as he was to do all but canonize the errors of that Noble Personage, he could not help saying that the course of policy pursued by him (Lord Londonderry) was the most fatal, the most unfortunate that could befal this country [hear, hear, hear!]. He could assure the House, that as far as his experience went, (and he had visited almost all the countries of Europe), that there was not any State which did not look upon the late Lord Londonderry as the leading cause of the chains by which they were severally fettered [hear, hear!] He was at the same time ready to admit that the Noble Lord had had most powerful coadjutors. When the Right Honourable Gentleman (Mr. Canning) entered upon office, he (Mr. Houhouse) could assure him that he had more good wishes and prayers than any Minister who had taken office before him. He spoke now of public opinion abroad, for he was not in England at the time of his accession to office. He knew not how it was that such a halo had been cast around the character of the Right Honourable Gentleman, but so it was. He had heard it said in the Milanese States (where the greatest extent of political suffering was felt), "well, we may now expect something to be done; Lord Londonderry is gone, and we have got the Right Honourable Gentleman (meaning Mr. Canning) in his place." It was hoped that British Ministers would now learn the truth, and that we should be taught that England must retrace her steps in order to resume her station amongst nations, and to retrieve the fatal error which she committed in separating herself from the cause of the people, for the purpose of taking a part with Kings. The retainers of Nesselrode and Metternich had reported the expectations which the Right Hon. Gent.'s appointment gave rise to, and they alarmed, exclaimed, "what! we have now a Radical to deal with [laughter]!" The spies and retainers of both Ministers followed the Right Honourable Gentleman to Paris, and there M. Montmorency, as well as the whole Faubourg St. Germain, held him up to contempt. Even he (Mr. Hobhouse) then thought that something was to be done. He began to imagine that they had got something like a Radical at the head of affairs [hear! and a laugh]. He was also led to form this conclusion, as well from the King's Speech, as from certain speeches which had been made at Liverpool and at Harwich [laughing]. Was he wrong in coming to this conclusion? If so, he would rather be so deceived than be a prey to the dark and gloomy suspicions which must continually lead him to doubt and suspect every thing and every body. However he had been wrong, for he now found that the Right Honourable Gentleman meant to tread in the praiseworthy steps of his Noble Predecessor; he pretended to be a friend of Spain, and his only mode of proving himself so was his attempting to degrade and disgrace himself. On a former occasion he had stated (merely as a rumour) that Sir W. A'Court and Lord F. Somerset had been at work to induce Spain to change her Constitution. "Oh!" said his friends, "that cannot be!" But the friends of the Right Honorable Gentleman (he being absent) said nothing, and so the matter rested. Now he firmly believed, that had the Marquess of Londonderry lived, he would have pursued a different course. He would have said at Congress, "I can't agree with your interference with Spain; I must just now protest against it; I have (to use a vulgar phrase) been overhanded by Parliament. Even my steady and uniform supporter the Member for Yorkshire, declares your conduct an innovation, and that he will not bear it [a laugh]. Therefore, I cannot go to war with you; but I shall go home as fast as I can [laughter]. I shall assemble Parliament as speedily as possible, and leave it to them to decide, whether, under all the circumstances, this is a case for peace or for war?" This would certainly, in his opinion, have been by far the more desirable course of proceeding as it would have afforded the House and the country an opportunity of expressing their sentiments upon the general question [hear, hear hear!]—After what had taken place on the first day of the Session—after the language of the Kings's Speech, he was surprised to hear the words "strict neautriality" sneak out of the mouth, not of the Right Honourable Gentleman, but of a Noble Lord (Liverpool) in another place. What appeared to him (Mr. H.) the most surprising was, that the King's Coverument should have thought it possible that the Spaniards would in any degree compromise with their enemies—there was but one line of policy which the Spaniards could pursue, and that was to stand on the principle of non-interference—to others, crooked lines might appear the most inviting and convenient, but the dignity of the Spanish cause allowed those who upheld it to take but one direct and open step. He had heard the Right Honorable Gentleman opposite say that to all interference, come what may, England would be no party. Why what did the Right Honourable Gentleman mean by that? If two persons were known to an individual, and that one of those persons were going to rob another, and that the third person should say, I advise you to give away a little of your property [a laugh]. Keep the door open, let him take away some of your money, and I will guarantee to you, that if you allow him to rob you in this peaceful and orderly way—if you do not resist—if you do not complain, he will not murder you at least for this time [hear, hear]. He (Mr. H.) recollected the line of conduct which the Right Honourable Gentleman pursued in the year 1808; but perhaps an attempt would be made to separate the condition of Spain then from its present condition—but he denied that such a case could be fairly made out? On the contrary, there was an extraordinary similarity in the transactions of both periods, and in the declared views and objects of the Congress held at Erfurt, and the Congress

at Verona. Napoleon called the Congress at Erfurt the avowed purpose of settling the peace of Europe, and arranging the affairs of Spain. After that Congress, peace was offered to England by Napoleon, and by Russia. The Secretary of the State for Foreign Affairs returned this answer (at least such was the language in the King's declaration respecting the overtures of France and Russia, dated Westminster, 15th December 1808):—" The Declaration having declined to accept the proposed terms, gave as reasons—that the universal Spanish nation is described by the degrading appellation of 'the Spanish insurgents:' and the demand for the admission of the government of Spain as a party to any negociation, is rejected as inadmissible and insulting. With astonishment as well as with grief his Majesty has received from the Emperor of Russia a reply, similar in effect, although less indecorous in tone and manner. The Emperor of Russia also stigmatizes as insurection,' the glorious efforts of the Spanish people in behalf of their legitimate Sovereign, and in defence of the inpependence of their country; thus giving the sanction of his Imperial Majesty's authority to an usurpation which has no parallel in the history of the word. The King would readily have embraced an opportunity of negociation, which might have afforded any hope or prospect of a peace, co npatible which justice and with honour. His Majesty deeply laments an issue, by which the suffering of Europe are agravated and prologed. But neither the honour of his Majesty, nor the generosity of the British nation, would admit his Majesty's consenting to commence a negociation, by the abandonment of a brave and loyal people who are contending for the preservation of all that is dear to man; and whose exertions in a cause so unquestionably just, his Majesty has solemnly pledged himself to sustain." At that period Prussia joined with France—Russia joined with her—Austria would have joined too if Napoleon would allow her; but Napoleon absolutely refused the interference of the latter power. The fact was curious, because it went to shew the sort of men for whom England now was surrendering her character, and incurring a deep degree of infamy. Upon that occasion Prince Metternich said, that King Joseph would be recognised by Austria if the Emperor Napolieon had admitted the Emperor my master—or if he had permitted me so to do. Such was the language of the men who now licked the feet of the Bourbons—such was the conduct of that Congress of Kings whom the Duke of Willington said he was most anxious to treat with deference and respect. The Spanish Revolution broke out on the 2d of May, 1808. Two months had not elapsed when Ministers put into the King's mouth language of an expressive and dicided nature—language which he (Mr. H.) highly applauded and which he lamented the Right Honourable Gentleman did not hold now.

" His Majesty views, with the liveliest interest, the loyal and determined spirit manifested by the Spanish nation, in resisting the violence and perfidy with which their dearest rights have been assailed.

" Thus nobly struggling against the tyranny and usurpation of France, the Spanish nation can no longer be considered as the enemy of Great Britain; but is recognized by his Majesty as a natural friend and ally.

" We are commanded to inform you that communications have been made to his Majesty from several of the provinces of Spain, soliciting the aid of his Majesty. The answer of his Majesty to these communications has been received in Spain with every demonstration of those sentiments of confidence and affection which are congenial to the feelings and true interest of both nations. And his Majesty commands us to assure you that he will continue to make every exertion in his power for the support of the Spanish cause: guided in the choice and in the direction of his exertions by the wished of those in whose behalf they are enjoyed.

" In contributing to the success of this just and glorious cause his Majesty has no other object than that of perserving unimpaired the integrity and independence of the Spanish Monarchy. But he trusts that the same efforts which are directed to that great object may, under the blessing of Divine Providence, lead in their effects, and by their example, to the restoration of the liberties and the peace of Europe."

Such was the language of the King's Speech—what could be more magnanimous?—what could be more worthy of the English nation?—it held forth a bright and glorious example, which England on all similiar emergencies ought to follow. The Right Honourable Gentleman might say that England was then in a state of war with respect to France—he admitted the fact—he was willing to admit, that as far as the point of interest was concerned, the cases were different, but in point of honour of national character they were the same. He hoped that the Right Honourable Gentleman would not say that England, forgetting every noble sentiment, was to be guided only by the rule of sordid interest; England embraced the cause of Spanish liberty when Spain could be of service to England; but now, when the case was otherwise—when England might be of service to Spain, and Spain could be of no service to England to forget her former declarations—her regard for the independence of Spain—her detestation of that tyranny that would force an odious Government upon her people—in short, to forget all that she should remember? It has been said, that the state of Spain was now different to what it was in 1808; it was said that the people of Spain were unanimous then, and are divided now—that he denied; on the contrary, he would be able to shew, from an important document, that all the Members of the Spanish Dynasty—that all the Constituted Authorities at Madrid—and, above all, the Grand Inquisitors, were against the independence of the Spanish nation. They argued precisely as did the Right Honourable Gentleman and the Noble Lord (Liverpool), when, at an early period of the Revolution, a motion was made by Mr. Sheridan calling upon England to act; the Right Hon. Gent. said, upon that occasion, that England could not take a decisive course in the affairs of Spain, because five Provinces only had declared for the new state of things. However, England shortly after did embrace the cause of Spain; the voice of that country spoke out—spoke out for freedom, and drowned in its swelling and triumphant shout the corrupt and feeble croaking of Inquisitors and slaves. At that period, the language used by the Inquisitions was precisely the same as the language of Louis XVIII. at the present day. The Inquisitors said, that the people of Spain were not to be trusted, that their enthusiasm unfitted them for grave consideration of national policy; that the legitimate authorities of the country were to have the sole controul and direction. Such was the language of the Inquisitors; such also was the language of Louis XVIII. when he said, " Let Ferdinand VII. be free to give a Constitution to his people, which they cannot obtain but from him." With respect to the propects of the Spanish Patriots in 1808 and 1823, he was of opinion that the present prospects were by far the most promising. When the Revolution broke out in 1808, there were 130,000 Frenchmen south of the Ebro, and 60,000 French soldiers in Madrid and its vicinity; but in TWO MONTHS after the Revolution broke out, not a single Frenchman was to be found south of the Ebro. Such was the effect of the brave and glorious efforts of the Spaniards in 1808. All he would say now was, that he would join with the Right Honourable Gentleman in fervently praying for the assistance of heaven on behalf of the cause of the Spaniards. Whether that cause should fall or triumph, I hope (said the Honourable Member) that an English House of Commons will this night shew to the world that it appreciates our national character—that it appreciates the ancient glories of England, and that it shall restore us to the proud and honourable situation we once held—that of the friend and patron of the liberries of mankind [cheers!].

Sir W. DE CRESPINGNY said, that no man felt more strongly than he did for the cause of Spain, but at the same time, he could not forget the safety of England. England had expended 600 millions in putting up the Bourbons; was she now to be called on to expend 600 millions more in putting them down?

Mr. BANKES contended, that England ought not hold out a menacing tone, unless she was determined to follow it up by going to war. He considered the aggression of France to have proceeded from nothing les then infatuation—he looked upon it as a monstrous aggression—he believed that there was but one sentiment on that subject in the House and in the country at large—a sentiment of strong and marked indignation against the Government of France. The Honourable Member for Westminister had truly said that the people of England would willingly bear the burthens of war where the honour of England required it—the Amendment which had been moved had embraced the same sentiment. He hoped that the issue of the contest would be favourable for Spain, and that just punishment might fall upon the heads of the authors of that most unholy and unprincipled aggression [cheers].

Mr. T. WILSON explained. He said that the Honourable and Learned Gentleman (Mr. Brougham) had used the word execration in a general sense, he (Mr. Wilson) used it applicable to the fact of the invasion.

Mr, BARING said, that if any attempt was made at catching votes it was practised on the opposite side, where the question was stated to resolve itself into the alternative of war or peace. But it was a delusion to say that those who supported the Address, declared themselves in favour of war; on the contrary, he conceived that this country was more exposed to the probable chances of war, by the course which his Majesty's Government had adopted, than if they had opposed a vigorious remonstrance in the first instance to the designs of France against Spain. What was the situation of the Allies after the power of France had been got under? The purpose for which they had coalesced was achieved, and it was a departure from the principle, it was an abuse of the coalition to keep it up afterwards, in order to interfere with the internal concerns of other nations, This country should have broken off from that moment. In the distribution of the different parts of Europe, which the Congress of Vienna had undertaken to arrange, it was impossible that difference of opinion should not have arisen; but that Ministers should say, that Spain was the only point upon which they could give no opinion, without going to war, was an absurdity which he found it impossible to comprehend. Might not this Government have said—Spain is a country, with which we have more to say, than you, Russia, or you Austria. One of you has had enough to say to Poland; the other enough to say to Italy; and, therefore, you may allow us to have something to say for Spain. Such a statement, made with the moderation and firmness becoming a country like Great Britain, could not have been accounted other than fair, and could not fail of producing its proper effect upon the councils of the Allied Sovereigns. Those, who maintained the contrary, were bound to shew that matters han not arrived at that point at which it would have been advisable to us such language. But, what were the expressions on the face of the papers, with respect to the

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interference in the concerns of Spain?—"That in those transactions, this country would not take part." They had, therefore, no right to say, after such a declaration, that they might be driven to go to war by adopting a tone of decision. It there were hesitating Cabinets on the Continent of Eurobe, it was a proof that we had not acted with firmness. With respect to the chances of our remaining at peace, it was manifest that the contest involved contingencies which might oblige this country, sooner or later, to take a part in it. There was no saying what a naval war might produce, and we were bound to Portugal. He would put it to any person of common understanding to explain how he could conceive it possible that the war should be carried by France into Spain, without endangering Portugal. Supposing the war on the part of France to be successful—supposing Ferdinand to be seated on his Throne, was it probable that Portugal with her new Constitution, and what Spain would then call, her revolutionary spirit, would be left without interference? No; Spain would consider that not half her work was done, while that fire was left burning, which at some future period might inflame the Peninsula. It could not be the interest of despotic Spain to have a free Government existing in Portugal. We should then hear of a *Cordon* on the frontiers of Portugal, we should find that French money was employed to stir up insurrection, and it was not difficult to find excuses, while watching on the frontiers of a country, which would enable them to charge that country with aggression. Would the Ministers of this country, when they talked of the security of Portugal, engage to indemnify her against such proceedings? Would the French Minister do so? The most groveling calculator would have taken the period of the Congress of Verona as the proper time to oppose those unjustifiable pretensions which had since been devoloped. But suppose France was to prove unsuccessful in her attempt, was it an improbable speculation, that another contest for the tranquility of Europe might arise? If it did, he trusted, that those who might contend for peace, would have the assistance of all those who now professed themselves such warm friends of the principle. It was impossible to contemplate the failure of France, without looking to the success of the Revolutionary spirit. The Papers were, in fact, disgraceful to the talent and feeling of this country; he never saw a case more manifested a want of the commonest understanding If the House was content to say, that those Papers furnished matter for panygeric, it would be content with any thing. As to the balance of power, if that was admitted to be a question worth considering, it was likely to be involved more seriously in the result of these transactions than in the time of Louis the 14th. It was then endangered by a Family Compact and a religious persecution, but now the Sovereigns were bound in a league to put down all liberal principles, and check the advances of reform in every shape. The firmest Tory of this country could not justify the wish so plainly manifested to get rid of every thing that promised improvement in the existing constitutions of Europe. Such was their apprehension of the growth of liberality, that they had forgotten all their former professions. If France succeeded in Spain, there would be two despotic Sovereigns, whose interest and object it would be to keep in check the only remaining power possessing a free Constitution in Europe, which was this country. He might be disposed to say with a Member of the Government, "let them come," but that he would rather say, ward them off, if possible. Looking at the negociations in every point of view, he could regard the policy on which they proceeded, and the consequences to which they were likely to lead, in no other light than as dangerous and dishonourable to this country.

Lord F. GOWER spoke at some length, but in a tone of voice that was not distinctly audible in the Gallery. We understoed him to support the Amendment.

Mr. WILBERFORCE thought, that nothing more became the Representatives of a Free People than plainness of speech, exercising as they did a sort of moral jurisdiction over the public mind. Neither could any language on the part of Ministers be too strong in such a case as that of Spain. When the principle was first applied to Naples, not a word was said of Spain, but the disposition to do away every thing like liberty was now plainly manifested Looking at the Papers before the House, he saw a strong inclination to repress the design of France to transgress against Spain. Undoubtedly, he saw that a higher moral ground might have been taken than appeared on the showing of these documents, but there was an opinion amongst men, that in dealing with persons who prided themselves only on dexterity in misrepresentation, it was fair, and even useful to meet them on their own ground, and with their own weapons. His Majesty's Ministers had not done so in this instance, but perhaps they had adopted a course which did not sufficiently maintain the principles that ought to pervade the policy of this country. He regretted, that they had not said from the first, not only that we would not co-operate, but that it was contrary to the principles of the British Constitution—contrary to the principles of justice, and to the common rights of humanity, that France should persevere in her designs against Spain. It was but fair, however, to acknowledge, that the object of Ministers was evidently to prevent war. In the prosecution of that object, they were bound not to excite hopes in Spain, which by leading her to expect assistance, might prevent her from observing that line of conduct which took from France even the shadow of justification. He, therefore, objected to that part of the Address which disapproved of the endeavours made by the Noble Duke (Wellington) to persuade them to some concession. If such advice could come from any one with propriety, it was from the Noble Duke, who, setting aside the service she had rendered that country, combined such astonishing sobriety and coolness of mind with his other almost superhuman qualities He had not given such advice with a view to impose upon the understanding, but to advance the interest of Spain. Every one must acknowledge that his wish was to prevent the attack meditated by France. and this Government thought that the best way of doing so was by addressing, not such arguments to her as the atrocity of the case would suggest, but such as were most likely to influence her conduct. If they had talked to France of principles of justice, could any one conceive that the appeal would be successful, or that it would influence her councils much. Their policy was to induce France to think most kindly of their views, to prevent her aggression, and, at the same time, to hold out no encouragement to Spain which might have a tendency to prevent any arrangement favourable to the interests and to the general tranquility of Europe. As Ministers had determined to adopt a neutral policy, which under the circumstances of the country, it was obviously their duty to pursue, it followed of necessity that they should, always having in view the honour and interest of that country, take such a cautionary line of conduct as would avoid giving offence to either, thereby thwarting the very intentions they were endeavouring to maintain. In no view whatever of the conduct of his Majesty's did he perceive that culpability which called for the severity which was contemplated by the motion of the Honorable Mover, It was his opinion that their language at the commencement of the negociations might have been much stronger, and that with perfect consistency, and perhaps with mutual benefit to all parties; still he confessed it gave him vast pleasure in observing, that hitherto, although many Honourable Members had loudly contended that a higher tone ought to have been adopted, yet there were very few in that House who had not entirely abandoned the idea of our entering into the quarrel by arms. Those who had themselves witnessed or even read of the distinction between entering into and receding from a war when commenced; those who had observed how willing nations were, in general, to enter upon hostilities, and how difficult they found it, with honour, to bring them to a conclusion—every one who has considered the subject in this point of view would feel with him how sedulously we ought to have abstained from incurring any risk of the kind; and if it was our interest not to have incurred any such risk, then he maintained we ought not to have used language that was likely to have led to such a result. In his conscience he was persuaded that the Government had intended fairely and honestly, and though they might have erred through their too great anxiety for the interests of the country in not preserving that firm tone, which with perfect consistency they might have held, still he could not concur in the motion of this evening; nor, on the other hand, would he so fully assent to the policy of all the measures which had been adopted' as to vote for the Amendmen.

Mr. H. SUMNER said, that that line of policy which had been pursued by the late Marquess of Londonderry with regard to Italy, when placed under similar circumstances, was evidently that policy which had for its object the welfare of this country; the same course had been undeviatingly held by his soccessors, who therefore were not only entitled to thanks for the justness of their policy, but they likewise merited the tribute of praise for their strict consistency. He most warmly approved of the whole conduct of his Majesty's Ministers, and he therefore gave the Amendment his most cordial and unqualified support.

Mr. PETER MOORE then rose amidst loud cries of "Question," "Adjourn," "Go on," from every part of the House, and said, that considering the intense interest of the question under discussion, and the great number of Gentlemen who were still anxious to deliver their sentiments on it, it would be more convenient perhaps to move the adjournment of the debate until to-morrow night, which he accordingly did.

Mr. MONCK seconded the motion, which was unanimously carried, and the House adjourned at twelve o'clock.

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